STATUTES OF CALIFORNIA

REGULAR SESSION

1969

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Passed at the 1969 Regular Session of the Legislature

CHAPTER 1

An act relative to the 1969 meeting of the State Central Committee of the Republican Party, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor January 15, 1969. Filed with Secretary of State January 15, 1969.]

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

SECTION 1. Notwithstanding Section 9210 of the Elections Code, the first meeting in 1969 of the State Central Committee of the Republican Party shall be held on the fourth Sunday of January, instead of the third Sunday of January. This section shall apply only to the Republican Party and shall not apply to any other political party.

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

Under existing law the members of the California Republican State Central Committee are required to meet in the City of Sacramento for the election of state party officers on January 19. The inauguration of President-Elect Richard M. Nixon will be held in Washington, D.C. on January 20. In order to permit attendance at both the inauguration and the meeting, the date of the Republican State Central Committee meeting must be changed before January 19. Therefore, it is necessary that this act go into immediate effect.

CHAPTER 2

An act to add Section 34 to the Revenue and Taxation Code, relating to governmental finance, declaring the urgency thereof, to take effect immediately.

[Approved by Governor January 31, 1969. Filed with Secretary of State January 31, 1969.]

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

SECTION 1. Section 34 is added to the Revenue and Taxation Code, to read:

34. Whenever an amount of money paid by a person to the state or any of its agencies includes a sum which can be identified as in fact intended as payment of a locally administered tax which should have been paid directly to a city, city and county, county or district within the state, the state or its agency may pay the amount to the local government entitled thereto and notify the payor of its action. This procedure, however, shall not be followed by the state or any of its agencies unless the governing body of the local government concerned has, by resolution, agreed with respect to such payments that a timely payment received by the state or its agency will be regarded as a timely payment to the local government concerned, and that it will process all claims with respect to such payment in the same manner as though the payment had been made to it in the first instance.

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

Certain state agencies presently lack authorization to transmit moneys they have received to the local governments to which such moneys are properly owing and which are in urgent need thereof.

CHAPTER 3

An act to add Section 25413.6 to the Education Code, relating to school district governing boards, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor January 31, 1969. Filed with Secretary of State January 31, 1969.]

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

SECTION 1. Section 25413.6 is added to the Education Code, to read:

25413.6. It is the intent and purpose of the Legislature, by this section, to make more particular provision concerning the election specified in Section 25413.2 of governing board members of a junior college district.

After the effective date of this section, each candidate for the positions to be filled may file a statement indicating his present occupational designation, in not more than three words, or his office in accordance with the provisions of subdivision (a) of Section 10219 of the Elections Code, to be placed on the ballot. Such statement shall be on a form provided by the city clerk or other person conducting the election. The statement shall be filed with the city clerk or other person conducting the election not later than the day prior to the last day upon which the city clerk or other person conducting the elec-

tion may certify the nomination papers of candidates and the statement shall be filed under penalty of perjury. The city clerk or other person conducting the election shall not be required to verify a candidate's occupational designation against his affidavit of registration.

This provision of this section shall remain in effect until July 1, 1969, and shall have no force or effect thereafter.

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

An election for the governing board of the Los Angeles Junior College District is slated for April 1, 1969. In view of the numerous candidates for the positions to be filled and the nearness of the election date, special measures must be undertaken immediately to permit such an important election to be conducted more efficiently and effectively. It is therefore necessary that this act take immediate effect.

CHAPTER 4

An act to amend Sections 43072, 51334, 51502, and 51504 of the Government Code, relating to property taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 3, 1969. Filed with Secretary of State February 3, 1969.]

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

SECTION 1. Section 43072 of the Government Code is amended to read:

43072. (a) For the fiscal year in which a city avails itself of the general laws relative to the assessment or collection, or both, of city taxes by county officials, and for each succeeding fiscal year, the city council may levy a rate of tax for any purpose for which a maximum rate is specified by law up to an amount that exceeds such maximum rate in the proportion that the total assessed valuation on the entire city roll used in the fiscal year immediately preceding the year for which the city availed itself of the county tax assessing or collecting services, or both, exceeded the total assessed valuation of the property within the city on the entire county roll for the same year. The maximum rate of indebtedness provided for in Section 43605 shall be increased in the same proportion.

(b) In addition to the increase in tax rates authorized by subdivision (a), for any fiscal year subsequent to the fiscal year in which a city availed itself of the general laws relative to the assessment or collection, or both, of city taxes by county officials, and for each succeeding fiscal year, the city

council may levy a rate of tax for any purpose for which a maximum tax rate is specified by law up to an amount that exceeds such maximum tax rate in the proportion that the total assessed valuation of property within the city on the local roll is reduced by county officials from the total assessed valuation of property within the city on the local roll used in the immediately preceding fiscal year.

SEC. 2. Section 51334 of the Government Code is amended to read:

51334. City functions relating to the assessment of property for taxation, the collection of taxes levied for municipal purposes, the collection of assessments, and the sale of property for the nonpayment of taxes or assessments, may be transferred pursuant to this article. Where a city transfers the assessment function to a county it may request the county to prepare only a secured roll in the first year of transfer and thereafter both the secured and unsecured rolls. Where a city which has been collecting taxes upon a calendar-year basis transfers such function to a county under this article, said collection by the county shall be continued upon such calendar-year basis.

SEC. 3. Section 51502 of the Government Code is amended to read:

51502. A certified copy of the ordinance transferring the duties of the assessor and tax collector shall be filed with the county auditor on or before the first Monday of the February following the adoption of the ordinance or a later date acceptable to the county board of supervisors.

SEC. 4. Section 51504 of the Government Code is amended to read:

51504. All assessments made by the county assessor and equalized or corrected by the board of supervisors or State Board of Equalization shall be the basis for levying city taxes. In the first year that a city uses county values in the preparation of its roll it may independently assess property on the unsecured roll.

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:

Under Section 1d added to Article XIII, California Constitution, by vote of the people on November 5, 1968, and Chapter 1, Statutes of 1968, First Extraordinary Session, a person who receives the veterans' exemption for his dwelling on either the city or the county assessment roll is not eligible for the homeowners' exemption on that dwelling. There may be some city assessors who assess property at a higher level of value than the level of assessed to full cash value on the county roll. Hence, some persons who are entitled to the veterans' exemption will receive neither that exemption nor the homeowners' exemption for their dwelling on the city roll because

they will receive the veterans' exemption on the county roll. If a city is permitted to use the county roll as provided in this act the situation described in the preceding sentence will not occur and there will be eliminated the administrative confusion and the duplication of effort involved when a taxpayer would otherwise be required to file four separate claim forms, namely, the veterans' exemption claim and the homeowners' claim with both the city assessor and the county assessor. The first date for filing the claim forms is March 1, 1969. It is, therefore, necessary that this act go into immediate effect.

CHAPTER 5

An act to add Section 20020.6 to the Government Code, relating to the Public Employees' Retirement System, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 6, 1969 Filed with Secretary of State February 6, 1969]

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

SECTION 1. Section 20020.6 is added to the Government Code, to read:

20020.6. "Local policeman" shall also include any officer or employee of a contracting agency which is a city and county, in any employment in which he was a law enforcement member as defined by Section 20017.76 at the time of the assumption by the city and county of the function in which he was employed.

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

In order to continue membership of harbor police members employed by the San Francisco Port Authority in the Public Employees' Retirement System, as contemplated by the Burton Act, on and after February 7, 1969, the effective date of transfer of the port to the City and County of San Francisco, it is necessary that this act go into effect immediately.

CHAPTER 6

An act making an appropriation to the Department of Aeronautics for navigational facilities in the Owens Valley, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 18, 1969 Filed with Secretary of State February 18, 1969.]

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

SECTION 1. The sum of fifteen thousand dollars ($15,000) of the appropriation made by Item 230.5, Budget Act of 1968, is hereby reappropriated to the Department of Aeronautics for the purchase, placement and operation of navigational facilities in the Owens Valley.

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 necessary funds be available for the purchase of navigational facilities in March 1969 to establish a VOR in the Owens Valley to reduce the hazards of flying, it is necessary that this act go into immediate effect.

CHAPTER 7

An act to establish procedures for the assessment of open-space lands, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 25, 1969. Filed with Secretary of State February 25, 1969.]

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

SECTION 1. Notwithstanding any other provision of law to the contrary, the assessment procedures specified under Section 423 of the Revenue and Taxation Code shall be effective with respect to land subject to taxation for the 1969–1970 fiscal year, if such land is subject to an instrument meeting the requirements of Section 422 of the Revenue and Taxation Code and such instrument is signed and recorded on or before May 15, 1969.

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

Some counties and cities have inadvertently failed to file the instruments reflecting the true status of property as being eligible for the assessment authorized by the Constitution for open-space lands, and in some cases negotiations to sign such instruments were not completed by the lien date in 1969. As a result, some individuals now are confronted with obligations which, if met, will substantially impair their ability to function effectively. This act will remedy the situation by, in effect, removing the procedural bar to the proper valuation of such property for tax purposes. In so doing, the public policy of the state as expressed in the Constitution will be entirely fulfilled and the state as a whole will benefit.

CHAPTER 8

An act making an appropriation for the California State Colleges, in augmentation of Item 99 of the Budget Act of 1968, to take effect immediately.

[Approved by Governor March 6, 1969 Filed with Secretary of State March 6, 1969]

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 the sum of nine hundred thousand dollars ($900,000) to the California State Colleges in augmentation of Item 99 of the Budget Act of 1968, subject to Section 31.5 of the Budget Act of 1968, for increased support necessary to enable the Trustees of the California State Colleges to provide for the acceptance of as many qualified students as feasible by the several state colleges. The Legislature intends that three hundred twenty-five thousand dollars ($325,000) of this appropriation is for reimbursement of California state college student fee revenues previously utilized for instructional purposes

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 9

An act to amend Sections 1203.4a and 1269b of the Penal Code and to amend Sections 2504, 25262, 27156, 31401 as added by Chapter 1019 of the Statutes of 1968, 34506, and 40000 of, and to repeal Section 16109 of, the Vehicle Code, relating to infractions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 6, 1969 Filed with Secretary of State March 6, 1969]

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

SECTION 1. Section 1203.4a of the Penal Code is amended to read:

1203.4a. (a) Every defendant convicted of a misdemeanor and not granted probation shall, at any time after the lapse of one year from the date of pronouncement of judgment, if he has fully complied with and performed the sentence of the court, is not then serving a sentence for any offense and is not under charge of commission of any crime and has, since such pronouncement of judgment, lived an honest and upright life and has conformed to and obeyed the laws of the land, be permitted by the court to withdraw his plea of guilty or nolo contendere and enter a plea of not guilty; or if he has been con-

victed after a plea of not guilty, the court shall set aside the verdict of guilty; and in either case the court shall thereupon dismiss the accusatory pleading against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense of which he has been convicted. The defendant shall be informed of the provisions of this section, either orally or in writing, at the time he is sentenced. The defendant may make such application and change of plea in person or by attorney, or by the probation officer authorized in writing; provided, that in any subsequent prosecution of such defendant for any other offense, such prior conviction may be pleaded and proved and shall have the same effect as if relief had not been granted pursuant to this section.

This subdivision applies to convictions which occurred before as well as those occurring after, the effective date of this section.

(b) Subdivision (a) of this section shall not apply to any misdemeanor falling within the provisions of subdivision (b) of Section 42001 of the Vehicle Code or to any infraction.

SEC. 2. Section 1269b of the Penal Code is amended to read:

1269b. The officer in charge of a jail wherein an arrested person is held in custody and the clerk of the justice or municipal court of the judicial district in which the offense was alleged to have been committed and the clerk of the superior court in which the case against the defendant is pending shall have authority to approve and accept bail in such amount as fixed by the warrant of arrest or schedule of bail or order admitting to bail in cash or surety bond executed by a certified, admitted surety insurer as provided in the Insurance Code, to issue and sign an order for the release of the arrested person, and to set a time and place for the appearance of the arrested person before the appropriate court and give notice thereof, as follows:

(a) For appearance before the court of an arrested person who has been arrested for having committed a misdemeanor and is being held in custody prior to the filing of a formal complaint, and for appearance before the court of a defendant charged with a misdemeanor by a formal complaint filed in the court. If a defendant has appeared before a judge of the court on the charge contained in the complaint the bail shall be in the amount fixed by such judge at the time of such appearance; if no such appearance has been made the bail shall be in the amount fixed in the warrant of arrest or, if no warrant of arrest has been issued, the amount of bail shall be pursuant to a schedule of bail in such case previously fixed and approved by the judge or judges of the court of the judicial district in which the offense is alleged to have been committed.

(b) For appearance before the court of a defendant charged with a felony by a formal complaint filed in court. If a defendant has appeared before a judge of the court on the

charge contained in the complaint, the bail shall be in the amount fixed by such judge at the time of such appearance; if no such appearance has been made the bail shall be in the amount fixed in the warrant of arrest.

(c) It is the duty of the municipal and justice court judges in each county to prepare and adopt, by a majority vote, a schedule of bail for all misdemeanor and infraction offenses. It shall contain a list of such offenses and the amounts of bail applicable thereto as the judges determine to be appropriate. If the schedule does not list all misdemeanor and infraction offenses specifically, it shall contain a general clause for misdemeanors and a separate one for infractions providing for designated amounts of bail as the judges of the county determine to be appropriate for all such offenses not specifically listed in the schedule. The schedule of bail may be revised from time to time by the judges of the county, and the senior judge at each county seat shall call not more than two or less than one meeting each year of all municipal and justice court judges in the county for the purpose of establishing or revising a countywide uniform bail schedule. A copy of the schedule shall be sent to the officer in charge of the county jail and to the officer in charge of each city jail within the county.

Upon posting such bail the defendant or arrested person shall be discharged from custody as to the offense on which the bail is posted.

All money and surety bonds so deposited with such officer shall be transmitted immediately to the judge or clerk of the court by which the order was made or warrant issued or bail schedule fixed.

If a defendant or arrested person so released fails to appear at the time and in the court so ordered upon his release from custody, the court before which he was ordered to appear may forfeit the cash bail or surety bond, with or without issuing a warrant, and if the bail is a surety bond the surety company is obligated as provided by Section 1306 of the Penal Code, subject to the right of the court to set aside the forfeiture as provided by law.

(d) For the appearance before the proper court of a person who has been arrested for an offense on a warrant issued in a county of this state other than the county where such person is held in custody.

SEC. 3. Section 2504 of the Vehicle Code is amended to read:

2504. It is unlawful to violate any regulation adopted by the commissioner pursuant to this chapter governing the operation of ambulances or armored cars.

SEC. 4. Section 16109 of the Vehicle Code is repealed.

SEC. 5. Section 25262 of the Vehicle Code is amended to read:

25262. An armored car may be equipped with red lights which may be used while resisting armed robbery. At all other times the red lights shall not be lighted. The authority to use

red lights granted by this section does not constitute an armored car an authorized emergency vehicle, and all other provisions of this code applicable to drivers of vehicles apply to drivers of armored cars.

SEC. 6. 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.

When the court finds that a person has willfully violated this section, he shall be fined the maximum amount that may be imposed in the case, and no part of the fine may be suspended.

"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.

SEC. 7. Section 31401, as added to the Vehicle Code by Chapter 1019 of the Statutes of 1968, is amended to read:

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.

tions.

(c) It is unlawful to violate any provision of these regula-

SEC. 8. Section 34506 of the Vehicle Code is amended to read:

34506. (a) It is a misdemeanor to fail to comply with any rule or regulation adopted by the Department of the California Highway Patrol pursuant to subdivision (f) of Section 34500.

(b) It is unlawful to fail to comply with any other rule or regulation adopted by the Department of the California Highway Patrol.

SEC. 9. 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 13004, relating to unlawful use of identification card.

Section 14601, relating to driving when suspended.

Section 14601.1, relating to driving when suspended.

Section 14610, relating to unlawful use of driver's license.

Section 15501, relating to use of false or fraudulent license by minor.

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 34506(a), relating to transportation of hazardous materials.

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 40519, relating to failure to appear.

Section 42003, relating to violation of a written promise

Section 42005, relating to failure to attend traffic school.

SEC. 10. Section 7 of this act shall become operative at the same time as Section 2 of Chapter 1019 of the Statutes of 1968 becomes operative.

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:

Chapter 1192 of the Statutes of 1968 establishing infractions as one of the three categories of public offenses became operative on January 1, 1969. It is necessary to clarify and modify the classification of certain offenses and to modify certain procedures applying to infractions to prevent confusion and to insure the expeditious disposition of minor traffic violations.

CHAPTER 10

An act to maintain the Public Utilities Code by amending Sections 2508, 5004, 5005, and 5112 of the Public Utilities Code, relating to public utilities.

[Approved by Governor March 12, 1969. Filed with Secretary of State March 12, 1969.]

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

SECTION 1. Section 2508 of the Public Utilities Code is amended to read:

2508. "Food warehouseman" includes every person, or corporation, their lessees, trustees, receivers or trustees appointed by any court whatsoever owning, controlling, operating, or managing any building, structure, warehouse, elevator, or plant in which food commodities, received from the public or any portion thereof, are stored for compensation, including cold storage plants and refrigerating plants, but not including private homes, hotels, restaurants, or exclusively retail establishments, or others not storing articles of food for other persons for compensation. Every person, or corporation con-

trolling, operating, or managing any building, structure, warehouse, elevator, or plant as aforesaid, is deemed to be engaged in the storage of food commodities within the meaning of this chapter.

SEC. 2. 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.

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. 3. 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 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.

SEC. 4. Section 5112 of the Public Utilities Code is amended to read:

5112. The regulation of the transportation of used household goods and personal effects, office, store, and institution furniture and fixtures in a motor vehicle or motor vehicles being so used exclusively, over any public highway in this

state shall be exclusively as provided in this chapter. Any provision of the Public Utilities Act or the Highway Carriers Act in conflict with the provisions of this chapter is superseded and repealed.

CHAPTER 11

An act to amend Section 39129 of the Health and Safety Code, and to amend Section 4000.2 of the Vehicle Code, relating to motor vehicle pollution control, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 12, 1969 Filed with Secretary of State March 12, 1969]

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

SECTION 1. Section 39129 of the Health and Safety Code is amended to read:

39129. The following classifications of motor vehicles are subject to the provisions of this article:

(a) Every 1966 or later year model motor vehicle subject to registration in this state shall be equipped with a certified device or devices to control emission of pollutants from the crankcase and exhaust.

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

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

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

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

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

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

(f) The provisions of subdivisions (c) and (d) shall not be applicable in any district activated after July 1, 1959, so as to be able to perform its functions unless the board of supervisors of each county in which the district is situated adopts a resolution based upon its finding that subdivisions (c) and (d) are necessary to the preservation of air quality within that district; nor shall the provisions of subdivisions (c) and (d) be applicable in any county situated within a multicounty district formed prior to July 1, 1959, which county is adjacent to a district activated prior to January 1, 1960, unless the board of supervisors in such county adopts a resolution based upon its finding that subdivisions (c) and (d) are necessary to the preservation of air quality within that county.

(g) Every 1968 year model passenger vehicle, except motorcycles, subject to registration and first sold and registered in this state shall be equipped with a certified device or devices to control emission of pollutants from the crankcase and exhaust. Notwithstanding any other provision of this section or of Article 5 (commencing with Section 39175) of this chapter, the board may only grant an exemption for not to exceed 1 percent of a manufacturer's passenger vehicle sales in California in the preceding model year.

(h) Every 1967 year model commercial motor vehicle under 6,001 pounds manufacturer's maximum gross vehicle weight rating subject to registration and first sold and registered in this state shall be equipped with a certified device or devices to control emission of pollutants from the crankcase and exhaust.

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

(j) Notwithstanding any provision of subdivision (f), if after the effective date of this section subdivisions (c) and (d) are made applicable to a district or county in which subdivisions (c) and (d) are inapplicable under subdivision (f) on such effective date, subdivisions (c) and (d) shall not be applicable to any other district or county unless its governing

board adopts a resolution based upon its finding that subdivisions (c) and (d) are necessary to the preservation of air quality in such other district or county, as the case may be.

SEC. 2. Section 4000.2 of the Vehicle Code is amended 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 39129 of the Health and Safety Code, unless the vehicle 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. This act is an urgency statute necessary for the immediate preservation of the public peace, 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 application of motor vehicle pollution control requirements to motor vehicles previously registered outside this state may be clarified and the health and safety of the people of this state more adequately protected from the adverse effects of motor vehicle pollution, it is imperative that this act go into immediate effect.

CHAPTER 12

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

[Approved by Governor March 12, 1969. Filed with Secretary of State March 12, 1969.]

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

SECTION 1. Section 9997 of the Business and Professions Code is amended to read:

9997. The director shall charge the following fees:

(a) A filing fee which shall be set by the director at not less than twenty-five dollars ($25) nor more than fifty dollars ($50) for each new application for license.

(b) A filing fee which shall be set by the director at not less than twenty-five dollars ($25) nor more than one hundred dollars ($100) for each new application for a branch office license.

(c) A filing fee which shall be set by the director at not less than twenty-five dollars ($25) nor more than fifty dollars ($50) for application for examination or reexamination.

(d) A filing fee which shall be set by the director at not less than twenty-five dollars ($25) nor more than fifty dollars ($50) for application to transfer or assign a license.

(e) An annual license fee which shall be set by the director at not less than one hundred dollars ($100) nor more than two

hundred dollars ($200) for an employment agency license, except that the annual license fee for an employment agency engaged exclusively in the business of procuring babysitting employment for others shall be set by the director at not less than fifty dollars ($50) nor more than seventy-five dollars ($75).

(f) An annual license fee which shall be set by the director at not less than twenty-five dollars ($25) nor more than one hundred dollars ($100) for license of each branch office, except that the annual license fee for each branch office license for an employment agency engaged exclusively in the business of procuring babysitting employment for others shall be set by the director at not less than twenty-five dollars ($25) nor more than thirty-eight dollars ($38).

(g) An interim employment agency license fee which shall be set by the director at not less than fifty dollars ($50) nor more than one hundred dollars ($100).

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

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

The fees shall be set by the director within the limits prescribed by this section in such amounts as he determines will be reasonably necessary to provide only sufficient revenue for the administration and enforcement of this chapter.

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 emergency are:

Section 9997 of the Business and Professions Code in its present form fixes the license fees payable by employment agencies in precise amounts which may not be reduced by administrative action. As so fixed, these fees are producing more revenue than is necessary for the support of the licensing program. This act establishes a range within which the regulatory authority may set fees according to need, which will permit fees to be reduced at the present time. In order that the benefits of this reduction will be available for the license year which commences April 1, 1969, it is necessary that this act go into immediate effect.

CHAPTER 13

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

[Approved by Governor March 17, 1969. Filed with Secretary of State March 17, 1969.]

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

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

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

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

Irrigation district improvement districts.
Irrigation districts.
Joint harbor improvement districts.
Joint highway districts.
Joint municipal sewage disposal districts.
Junior college districts.
Levee districts.
Library districts.
Local health districts.
Local hospital districts.
Metropolitan water districts.
Mosquito abatement districts.
Municipal improvement district improvement districts.
Municipal improvement districts.
Municipal improvement assessment districts.
Municipal port districts.
Municipal sewer districts.
Municipal utility districts.
Municipal water district improvement districts.
Municipal water districts of any kind.
Parking authorities.
Parking districts.
Park, recreation and parkway districts.
Permanent road divisions.
Pest abatement districts.
Port districts.
Protection districts.
Public cemetery districts.
Public utility district improvement districts.
Public utility districts.
Rapid transit authorities.
Rapid transit districts.
Reclamation districts.
Recreational harbor districts.
Recreation and park districts.
Recreation, park and parkway districts.
Redevelopment agencies.
Regional park districts.
Regional planning districts.
Resort improvement districts.
River port districts.
Road districts.
Sanitary districts.
Sanitary districts annexed areas.
School districts of any kind or class.
Separation of grade districts.
Sewer maintenance districts.
Soil conservation districts.
Special transit service districts.
Storm water districts.
Transit districts.
Underground utility districts.

Unified air pollution control districts.
Unified port districts.
Urban renewal agencies.
Vehicle parking districts.
Veterans' memorial districts.
Water agencies.
Water authorities.
Water conservation districts.
Water districts.
Water replenishment districts.
Water storage district improvement districts.
Water storage districts.
Weed abatement districts.
Zones of flood control districts.
Zones of flood control and water conservation districts.
Zones of county water agencies.
Zones of county water authorities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 10. This act may be cited as the First Validating Act of 1969.

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

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

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

(2) Public works and construction by public bodies can be commenced and continued without delay or restriction, to provide sewers, waterworks, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, fire-

houses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health and safety, and immediately needed to provide for an increased population;

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

CHAPTER 14

An act to amend Sections 11731 and 11751 of the Water Code, relating to the Central Valley Project, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 17, 1969. Filed with Secretary of State March 17, 1969.]

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

SECTION 1. Section 11731 of the Water Code is amended to read:

11731. The department shall determine the interest rate on the bonds. The rate shall not exceed 6½ percent per annum.

SEC. 2. Section 11751 of the Water Code is amended to read:

11751. Bonds 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 not to exceed 6½ percent per annum according to standard tables of bond values, and the sale price shall include the interest which has accrued thereon up to the date of delivery of the bonds.

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

An increase in the permissible interest rate on Central Valley Project revenue bonds from 5½ percent to 6½ percent is necessary in order to permit such bonds to be sold under present bond market conditions. Funds from such revenue bonds are needed to insure the completion of the State Water Facilities presently under construction. As such facilities must be completed at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 15

An act making an appropriation for the University of California, in augmentation of subdivision (z) of Item 324 of the Budget Act of 1968, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 18, 1969. Filed with Secretary of State March 18, 1969.]

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

SECTION 1. There is hereby appropriated from the Capital Outlay Fund for Public Higher Education in the State Treasury the sum of one hundred fifty-eight thousand dollars ($158,000) to the University of California in augmentation of subdivision (z) of Item 324 of the Budget Act of 1968, to construct alterations at Hastings College of the Law.

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

Alterations of the facilities at Hastings College of the Law are immediately needed in order for the school to continue to provide the outstanding legal education for which it has received international fame and acclaim. Therefore, it is necessary that this act take immediate effect.

CHAPTER 16

An act relating to state school building aid, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 24, 1969. Filed with Secretary of State March 24, 1969.]

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

SECTION 1. (a) In the event the board of supervisors failed in the fiscal year 1968–1969 to levy a tax upon the property in a school district sufficient to raise for the district the amount of money to be withheld by the State Controller during the fiscal year 1968–1969, as required by Sections 19443 and 19619 of the Education Code, and in the event the county auditor certifies that fact and the amount of such insufficiency to the State Controller, that officer shall reduce the total amount of the deductions from apportionments to be made to that district pursuant to Sections 19436 and 19611 of the Education Code for the 1968–1969 fiscal year by the amount of such insufficiency.

(b) For the fiscal year 1968–1969 the apportionments from the State School Fund for any district which is subject to

subdivision (a) shall be increased by an amount equal to the total amount of deductions made pursuant to Sections 19436 and 19611 during the 1968–1969 fiscal year.

(c) For the fiscal year 1969–1970 the State Controller shall add to the amounts to be deducted under Sections 19436 and 19611 of the Education Code the amounts of any reductions in any such deductions effected during the fiscal year 1968–1969, pursuant to subdivision (a) plus an amount equal to 5 percent of such deductions.

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

By reason of clerical error there was a failure to levy a tax, for at least one school district, sufficient to provide the full amount of the 1968–1969 annual repayments of apportionments made under the State School Building Aid Law of 1949 and State School Building Aid Law of 1952. If this act were not to take effect immediately, the State Controller would be required by Sections 19436 and 19611 of the Education Code to deduct the total amount of the annual repayment for such district in equal amounts from the February through May installments of the apportionments to be made to the district from the State School Fund, which would seriously deplete the general fund of such district and would have its consequent effect upon the educational opportunities afforded to the children of the district.

CHAPTER 17

An act to add Section 6301.5 to the Business and Professions Code, relating to law libraries.

[Approved by Governor March 24, 1969. Filed with Secretary of State March 24, 1969.]

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

SECTION 1. Section 6301.5 is added to the Business and Professions Code, to read:

6301.5. In any county in which a municipal court has not been established and in which there is no county bar association, if the board of supervisors determines that there is not a sufficient number of members of the State Bar residing, and with their principal places of office for the practice of law, in the county eligible for appointment to the board of library trustees by the board of supervisors pursuant to subdivision (d) of Section 6301 for the constitution of a five-member board of library trustees, the board of library trustees may consist of not less than three members.

CHAPTER 18

An act to amend Section 31054 of the Water Code, relating to county water districts.

[Appoved by Governor March 25, 1969 Filed with Secretary of State March 25, 1969]

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

SECTION 1. Section 31054 of the Water Code is amended to read:

31054. No publicly owned utility shall commence to provide any water service for, on, or to any land within a county water district which is subject to a lien of an indebtedness arising under any contract between the district and the United States of America incurred or contracted by the district for the purpose of providing water service, provided two-thirds of the voters voting at an election within the district have approved the incurrence of the indebtedness and, provided further, that the district has water available and is ready, able, and willing to serve such land.

However, a publicly owned utility may commence to provide service, otherwise prohibited, upon either of the following conditions:

(a) If the board of directors of such a county water district shall by resolution permit such service; or

(b) In any portion of such a county water district proposed to be served by the publicly owned utility in which the total number of registered voters residing therein exceeds 200, and in which at least a majority of the voters voting on the proposition shall have voted at a special county water district election to permit such service within that portion of the district. The election shall be called and held within that portion of the district as an initiative measure pursuant to Section 30830.

CHAPTER 19

An act to amend Section 20012 of the Vehicle Code, relating to accident reports.

[Approved by Governor March 27, 1969 Filed with Secretary of State March 27, 1969]

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

SECTION 1. Section 20012 of the Vehicle Code is amended to read:

20012. All required accident reports, and supplemental reports, shall be without prejudice to the individual so reporting and shall be for the confidential use of the Department of Motor Vehicles and the Department of the California Highway Patrol, except that the Department of the California

Highway Patrol or the law enforcement agency to whom the accident was reported shall disclose the entire contents of the reports, including, but not limited to, the names and addresses of persons involved in, or witnesses to, an accident, the registration numbers and descriptions of vehicles involved, the date, time and location of an accident, all diagrams, statements of the drivers involved in the accident and the statements of all witnesses, to any person who may have a proper interest therein, including, but not limited to, the driver or drivers involved, or the legal guardian thereof, the parent of a minor driver, the authorized representative of a driver, or to any person injured therein, the owners of vehicles or property damaged thereby, persons who may incur civil liability, including liability based upon a breach of warranty arising out of the accident, and any attorney who declares under penalty of perjury that he represents any of the above persons.

CHAPTER 20

An act to add Section 43015 to the Government Code and Section 155.15 to the Revenue and Taxation Code, relating to property taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 27, 1969. Filed with Secretary of State March 27, 1969.]

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

SECTION 1. Section 155.15 is added to the Revenue and Taxation Code, to read:

155.15. 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, or who acquired such property after March 1, 1968, and is liable for the taxes thereon for the 1968–1969 fiscal year, which property was thereafter damaged or destroyed, without his fault, by a major misfortune or calamity, prior to April 1, 1969, in an area or region subsequently proclaimed by the Governor to be in a state of disaster, if such property was damaged or destroyed by the major misfortune or calamity which caused the Governor to proclaim the area or region to be in a state of disaster, may, within the time specified in the ordinance, make application for reassessment of such property and deliver to the assessor a written statement 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). If no such application is made and the county assessor determines that the full cash value of such

property for the 1969–1970 assessment year is reduced from the full cash value of such property for the 1968–1969 assessment year by more than one thousand dollars ($1,000) due to the damage or destruction caused by the major misfortune or calamity, the assessor shall notify the property owner that the property will be reassessed. 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, if any, or the name of the property owner notified of the reassessment, 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 tax shall be determined as follows:

(a) With respect to property on the secured roll, two-thirds of the tax due on the property as originally assessed at the rate established for property on the secured roll for the 1968–1969 fiscal year shall be paid; plus

(b) One-third of tax due on the property as reassessed in its damaged or destroyed condition at the rate established for property on the secured roll for the 1968–1969 fiscal year shall be paid.

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 two-thirds of the tax computed on the original assessment of the real property or improvements or both and one-third 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 two-thirds of the tax computed on the original assessment plus one-third 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.

This section applies to all counties, whether operating under a charter or under the general laws of this state.

SEC. 2 Section 43015 is added to the Government Code, to read:

43015. Notwithstanding any other provision of law, the legislative body of a chartered city which assesses and collects

its own property taxes 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, or who acquired such property after March 1, 1968, and is liable for the taxes thereon for the 1968–1969 fiscal year, which property was thereafter damaged or destroyed, without his fault, by a major misfortune or calamity prior to April 1, 1969, in an area or region subsequently proclaimed by the Governor to be in a state of disaster, if such property was damaged or destroyed by the major misfortune or calamity which caused the Governor to proclaim the area or region to be in a state of disaster, 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 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). If no such application is made and the county assessor determines that the full cash value of such property for the 1969–1970 assessment year is reduced by more than one thousand dollars ($1,000) from the full cash value of the property for the 1968–1969 assessment year due to the damage or destruction caused by the major misfortune or calamity, the assessor shall notify the property owner that the property will be reassessed. 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, if any, or the name of the property owner notified of the reassessment, 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 tax shall be determined as follows:

(a) With respect to property on the secured roll, two-thirds of the tax due on the property as originally assessed at the rate established by the city for the 1968–1969 fiscal year shall be paid; plus

(b) One-third of the tax due on the property as reassessed in its damaged or destroyed condition at the rate established by the city for the 1968–1969 fiscal year shall be paid.

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 Division 1 of the Revenue and Taxation Code, as an erroneously collected tax.

(c) With respect to real property or improvements or both on the unsecured roll, he shall be liable for two-thirds of the tax computed on the original assessment of the real property or improvements or both and one-third 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 two-thirds of the tax computed on the original assessment plus one-third computed on the reassessment shall be refunded to the taxpayer pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of Division 1 of the Revenue and Taxation Code, as an erroneously collected tax

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 recent disastrous floods, rain, mud slides and other calamities caused by torrential rains in the state have destroyed and damaged property 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 21

An act to amend Sections 11052.5, 13921, 14000, 14000.1, 14000.3, 14001, 11002, 14004, 14005, 14005.1, 14005.2, 14006, 14007, 14008, 14008.5, 14009, 14014, 14018, 14020, 14021, 14021 as amended by Chapter 1374 of the Statutes of 1968, 14053, 14053.5, 14053.6, 14056, 14059, 14061, 14062, 14100.1, 14103, 14104, 14105, 14106, 14108.5, 14109, 14111, 14112, 14113, 14114, 14115, 14117, 14119, 14125, 14126, 14150, 14150 as amended by Chapter 1264 of the Statutes of 1968, 14150.1, 14150.1 as amended by Chapter 1264 of the Statutes of 1968, 14150.2, 14150.4 as added by Chapter 1667 of the Statutes of 1967, 14154, 14155, 14155 as amended by Chapter 1264 of the Statutes of 1968, 14156, 14157, 14158, and 17108 of, and to add Sections 14005.3, 14005.5, 14057.5, 14121, 14122, and 14159 to, and to repeal Sections 14010, 14052, 14150.4 as added by Chapter 1619 of the Statutes of 1967, 14150.5, and Chapter 8 (commencing with Section 14500) of Part 3 of Division 9 of, the Welfare and Institutions Code, relating to medical assistance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 27, 1969. Filed with Secretary of State March 27, 1969.]

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

SECTION 1. Section 11052.5 of the Welfare and Institutions Code is amended to read:

11052.5. No applicant shall be granted public assistance until he is first personally interviewed by the office of the county department or state staff for patients in state hospitals. Such personal interview shall be conducted promptly following the application for assistance. If an applicant is incapable of acting in his own behalf, the county department shall verify this fact by personal contact with the applicant before aid is authorized. As used in this section, the term public assistance does not include health care as provided by Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of this code.

The provisions of this section shall not apply to recipients of aid to the aged provided by Chapter 3 (commencing with Section 12000) of Part 3, Division 9, of this code.

The interview conducted pursuant to this section shall occur within seven days after the time of application unless there are extenuating circumstances which justify further delay.

SEC. 2. Section 13921 of the Welfare and Institutions Code is amended to read:

13921. The Human Relations 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 Secretary of the Human Relations Agency 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) 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 persons 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 Secretary of the Human Relations Agency 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 provid-

ing out-of-home care services, provided such facilities meet the standards established by the provisions of this section.

SEC. 3. Section 14000 of the Welfare and Institutions Code is amended to read:

14000. The purpose of this chapter is to afford health care and related remedial or preventive services to recipients of public assistance and to medically indigent aged and other persons, including related social services which are necessary for those receiving health care under this chapter.

The intent of the Legislature is to provide, to the extent practicable, through the provisions of this chapter, for health care for those aged and other persons, including family persons who lack sufficient annual income to meet the costs of health care, and whose other assets are so limited that their application toward the costs of such care would jeopardize the person or family's future minimum self-maintenance and security. It is intended that whenever possible and feasible:

(a) Such care shall, to the extent feasible, be provided through a system of prepaid health care or contracts with carriers.

(b) The means employed shall be such as to allow eligible persons to secure health care in the same manner employed by the public generally, and without discrimination or segregation based purely on their economic disability.

(c) The benefits available under this chapter shall not duplicate those provided under other federal or state laws or under other contractual or legal entitlements of the person or persons receiving them.

(d) In the administration of this chapter and in establishing the means to be used, the department shall give due consideration to the appropriate organization and to the ready accessibility and availability of the facilities and resources for health care to persons eligible under this chapter.

(e) In providing benefits under this chapter by contracts with carriers the department may contract with one or more carriers to provide all or any portion of such benefits whereby the carrier provides a program underwriting the risk involved. Such contracts may provide benefits on the basis of the class of recipient, class of benefit, geographical area, or any other reasonable classification.

(f) In providing benefits under this chapter the department may contract with carriers or other organizations to establish pilot programs to provide health care services in the most efficient manner possible. Such programs shall demonstrate different methods of providing health care services and shall emphasize methods of utilization, review and preventive care, and shall provide incentives for using the most economical level of care. Such programs may provide benefits on the basis of class of recipient, class of benefit, geographical area, or any other reasonable classification. Any contracts entered into under Section 14104 shall not interfere or conflict with pilot programs established pursuant to this subdivision,

The director shall submit to the Legislature a written progress report regarding any action taken under this subdivision no later than the fifth legislative day of each general session.

SEC. 4. Section 14000.1 of the Welfare and Institutions Code is amended to read:

14000.1. It is the intent of the Legislature that the scope and duration of health services under this chapter shall be at least equivalent to the level provided in 1964–65 under public assistance programs.

SEC. 5. Section 14000.3 of the Welfare and Institutions Code is amended to read:

14000.3. To the extent permitted by federal law, the director 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 this chapter, who are also recipients of benefits under Title XVIII of the Social Security Act.

SEC. 6. Section 14001 of the Welfare and Institutions Code is amended to read:

14001. Notwithstanding the provisions of Section 10051, health care as administered under this chapter shall be considered a component of public social services.

SEC. 7. Section 14002 of the Welfare and Institutions Code is amended to read:

14002. Health care granted under the provisions of this chapter is held subject to the provisions of any law hereafter enacted amending, repealing, or supplementing in whole or in part the provisions of this chapter, and subject to the rules and regulations of the department. No recipient of health care under this chapter shall have any claim for compensation or otherwise because his service is affected in any way by any such amending, repealing, or supplemental act, or by any such rule or regulation or by any addition, amendment, or repeal of such rules or regulations.

SEC. 8. Section 14004 of the Welfare and Institutions Code is amended to read:

14004. If any individual in good faith adheres to the teachings of any bona fide church, sect, denomination, or organization, and in accordance with its principles depends for healing entirely upon prayer or spiritual means, no medical examination shall be required to receive health care authorized by this chapter, but in lieu thereof the certificate of a practitioner of such bona fide sect, denomination, or organization approved and authorized by the department, shall be accepted as to the need of such individual for service. No rule or regulation shall be adopted or continued in force which discriminates against such an individual.

SEC. 9. 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 entitle-

ments 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.

SEC. 10. Section 14005.1 of the Welfare and Institutions Code is amended to read:

14005.1. For purposes of facilitating arrangements for health care through prepaid health care or contracts with carriers, the department may set standards for determining monthly income, for purposes of eligibility, on the person's average pattern of income and earnings, subject to subsequent adjustment if actual experience deviates substantially from the amount determined by such method.

SEC. 11. 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 program provided by this chapter, 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. 12. Section 14005.3 is added to the Welfare and Institutions Code, to read:

14005.3. If a person is an inpatient for more than the month of admission and the first month following, the amount considered as required for maintenance shall be computed pursuant to regulations which provide for the following purposes:

(a) Personal and incidental needs while a patient;

(b) The upkeep and maintenance of the home;

(c) The support and care of his spouse, minor dependents and any disabled relative for whose support he has contributed regularly.

(d) If federal requirements permit such a person to own an automobile of greater value than is permitted in the case of recipients of aid under Chapter 3 of this part, the department shall adopt the more liberal allowance in its rules and regulations.

SEC. 13. Section 14005.5 is added to the Welfare and Institutions Code, to read:

14005.5. Health care shall also be provided under this chapter 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 section shall apply only to those cases in which the federal government will participate financially in the assistance granted.

SEC. 14. Section 14006 of the Welfare and Institutions Code is amended to read:

14006. For the purposes of Section 14005, the term "other resources" means the value of other property holdings, including real property other than that stipulated in Sections 11152 and 11153 and the value of personal property as stipulated in Sections 11154 and 11155. If the holdings are in the form of real property, the value shall be computed on the basis of four (4) times the assessed value less the unpaid amount of any encumbrance of record. If the holdings consist of money on deposit, the value shall be the actual amount thereof. If the holdings are in any other form of personal property or investment, except life insurance, the value shall be the conversion value as of the date of application or the anniversary date of such application. If the holdings are in the form of life insurance, the value shall be the cash value as of the policy anniversary nearest the date of such application.

The value of property holdings shall be determined as of the date of application and, if the person is found eligible, this determination shall establish the amount of such holdings to

be considered during the ensuing 12 months except as provided in the following paragraph:

A new determination to govern during the succeeding 12 months shall be made on the first anniversary date of the application or such alternate date as may be established following the acquisition of additional holdings as provided in the following paragraph and on each succeeding anniversary date thereafter.

If any person shall by gift, inheritance, or other manner, acquire additional holdings during any such interval, other than from his own earnings, he shall immediately report such acquisition; and the anniversary date shall become the date of such acquisition.

In establishing standards for the determination of the reasonable portion of property valuation applicable to the costs of health care, the director shall provide for application of not less than 1 percent and, increasing larger percentages, as the amounts of such holdings increase.

SEC. 15. Section 14007 of the Welfare and Institutions Code is amended to read:

14007. No period of residence in this state shall be required as a condition of eligibility under this chapter, but an individual who does not reside in this state shall not be eligible.

SEC. 16. Section 14008 of the Welfare and Institutions Code is amended to read:

14008. No relative, other than the spouse, shall be held to be financially responsible for the cost of health care received by an adult eligible under this chapter.

No relative, other than the parent or parents of a child under 21, shall be held to be financially responsible for the cost of health care or related services received by such child, otherwise eligible under this chapter.

This section shall apply only to relatives of persons described in subdivisions (b) and (c) of Section 14005.

SEC. 17. Section 14008.5 of the Welfare and Institutions Code is amended to read:

14008.5. The degree of liability of relatives to support recipients of public assistance shall not be increased as a result of the services provided such recipients under this chapter Liability for such support shall be determined in accordance with the laws and regulations of the respective public assistance programs under which eligibility is determined.

No relative shall be held legally liable under this chapter to support or contribute to the support of any applicant for or recipient of old age assistance or medically indigent aged person covered under subdivision (b) of Section 14005.

The degree of liability under this chapter of relatives to support recipients of aid to the blind and aid to the disabled, and medically indigent persons in comparable circumstances, shall be determined in accordance with the laws and regulations applicable to the aid to the blind and aid to the disabled programs.

SEC. 18. Section 14009 of the Welfare and Institutions Code is amended to read:

14009. The provisions of Section 11004 of this code shall be applied in determining the liability of any person to repay the cost of health care received by him during any period of time he was ineligible therefor.

SEC. 19. Section 14010 of the Welfare and Institutions Code is repealed.

SEC. 20. Section 14014 of the Welfare and Institutions Code is amended to read:

14014. Any person receiving health care for which he was not eligible on the basis of false declarations as to his eligibility shall be liable for repayment and shall be guilty of a misdemeanor or felony depending on the amount paid in his behalf for which he was not eligible, as specified in Section 487 of the Penal Code.

SEC. 21. Section 14018 of the Welfare and Institutions Code is amended to read:

14018. The certificate issued to an eligible person shall be authorization for payment for health care and related services rendered during and subsequent to the month of application of any recipient or medically indigent person applying in accordance with the provisions of this chapter.

SEC. 22. Section 14020 of the Welfare and Institutions Code is amended to read:

14020. All sections of this chapter shall remain in operation during such times as grants-in-aid are provided or made available to the state on the basis of a state plan approved by the federal government for medical assistance pursuant to provisions of the Federal Social Security Act, as amended.

SEC. 23. Section 14021 of the Welfare and Institutions Code is amended to read:

14021. Notwithstanding any other provision of this chapter health care shall include the following mental health services:

(a) Mental health services provided by a county as described in Part 1 (commencing with Section 5000) of Division 5 of this code;

(b) Mental health services provided in a Short-Doyle community mental health service or in a community mental health center organized under the Federal Community Mental Health Centers Act of 1963. No amount shall be paid for that portion of the total costs of care and services in a federally funded community mental health center which may be compensated by the United States government under the Community Mental Health Centers Act of 1963. No amount shall be paid to a Short-Doyle community mental health service or a federally funded community mental health center unless the Short-Doyle community mental health service or the federally funded community mental health center participates in a county mental health plan established pursuant to Part 1 of Division 5 of this code;

(c) Inpatient hospital services in an institution for mental diseases to persons of all ages, provided that the institution for mental diseases is certified as a psychiatric hospital under Title XVIII of the Federal Social Security Act and regulations issued thereunder.

Notwithstanding Section 14157, no money in the State Health Care Deposit Fund shall be expended for the purposes of this section unless the Legislature specifically appropriates money therefrom for the purposes of this section.

SEC. 24. Section 14021 of the Welfare and Institutions Code as amended by Chapter 1374 of the Statutes of 1968 is amended to read:

14021. Notwithstanding any other provision of this chapter health care 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. 25. Section 14052 of the Welfare and Institutions Code is repealed.

SEC. 26. Section 14053 of the Welfare and Institutions Code is amended to read:

14053. "Health care and related remedial or preventive services" means:

1. Inpatient hospital services (other than services in a medical institution for tuberculosis or mental diseases except to the extent permitted by federal law) in and by a medical institution or facility operated by, or licensed by, the United States, one of the several states, a political subdivision of a state, the State Department of Public Health, or exempt from such licensure pursuant to subdivision (c) of Section 1415 of the Health and Safety Code.

2. Outpatient hospital services.

3. Laboratory and X-ray services.

4. Skilled nursing home services (other than services in a medical institution for tuberculosis or mental diseases except to the extent permitted by federal law), as defined for the purpose of securing federal approval of a plan under Title XIX of the Federal Social Security Act, to persons 21 years of age or older, or to persons under 21 years of age to the extent permitted by federal law.

5. Physicians' services, whether furnished in the office, the patient's home, a hospital, or a skilled nursing home, or elsewhere.

6. Medical care, or any other type of remedial care recognized under the laws of this state, furnished by licensed practitioners within the scope of their practice as defined by the laws of this state. Other remedial care shall include, without being limited to, treatment by prayer or healing by spiritual means in the practice of any church or religious denomination insofar as these can be encompassed by federal participation under an approved plan.

7. Home health care services

8. Private duty nursing services.

9. Outpatient clinic services.

10. Dental services.

11. Physical therapy and related services.

12. Prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select.

13. Other diagnostic, screening, preventive, or rehabilitative services.

14. Inpatient hospital services and skilled nursing home services for any individual 65 years of age or over in an institution for tuberculosis or mental diseases.

Such term shall not include, except to the extent permitted by federal law,

a. Any care or services for any individual who is an inmate of a public institution (except as a patient in a medical institution); or

b. Any care or services for any individual who has not attained 65 years of age and who is a patient in an institution for tuberculosis or mental diseases.

SEC. 27. Section 14053.5 of the Welfare and Institutions Code is amended 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 director determines that the drug is vital to the program and no acceptable substitute is available.

Before the director 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. 28. Section 14053.6 of the Welfare and Institutions Code is amended to read:

14053.6. Prior to including or excluding any drug from the program, the director 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. 29. 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 director, 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. 30. Section 14057.5 is added to the Welfare and Institutions Code, to read:

14057.5. "Contract hospital" means a nonprofit medical facility licensed pursuant to Section 1401 of the Health and Safety Code, with which the board of supervisors of a county which does not maintain a county hospital has executed a contract, currently in effect, to care for medically indigent individuals.

SEC. 32. Section 14059 of the Welfare and Institutions Code is amended to read:

14059. Health care provided under this chapter may include diagnostic, preventive, corrective, and curative services and supplies essential thereto, provided by qualified medical and related personnel for conditions that cause suffering, endanger life, result in illness or infirmity, interfere with capacity for normal activity including employment, or for conditions which may develop into some significant handicap.

Medical care shall include, but is not limited to, other remedial care, not necessarily medical. Other remedial care shall include, without being limited to, treatment by prayer or healing by spiritual means in the practice of the religion of any church or religious denomination.

SEC. 33. Section 14061 of the Welfare and Institutions Code is amended to read:

14061. As used in this chapter, "director" means the Director of Health Care Services.

SEC. 34. Section 14062 of the Welfare and Institutions Code is amended to read:

14062. As used in this chapter, "department" means the Department of Health Care Services.

SEC. 35. Section 14100.1 of the Welfare and Institutions Code is amended to read:

14100.1. For the purpose of administering this chapter, the director shall have those powers and duties conferred by state law upon the Department of Social Welfare and its director as necessary to conform to requirements for securing approval of a state plan under the provisions of the applicable federal law.

SEC. 36. Section 14103 of the Welfare and Institutions Code is amended to read:

14103. The director shall, within the range of services included under health care and with the advice of the Health Review and Program Council, and taking into account health care services otherwise available to eligible persons, establish the scope of services to be provided through health benefits plans.

SEC. 37. Section 14104 of the Welfare and Institutions Code is amended to read:

14104. (a) The department shall, to the extent feasible, contract with one or more carriers to provide or arrange services through health benefit plans.

(b) The department shall, to the extent feasible, enter into nonexclusive contracts providing arrangements under which funds available for health care under this chapter shall be administered and disbursed to providers of health care or to their designated agents in consideration for services rendered and supplies furnished by them in accordance with the provisions of the applicable contract and any schedule of charges or formula for determining payments established pursuant to such contract. Payment for services to hospitals and other facilities and professional services shall be predicated on the basis of reimbursement for reasonable cost based on standards, determined by the director with the advice of the Health Review and Program Council. The formula for such payments shall be determined in accordance with regulations establishing the methods to be used and the items to be included. In prescribing such regulations, the department shall consider, among other things, the principles generally applied by state organizations representing such hospitals or other facilities or by estab-

lished prepayment organizations which have developed such principles, in determining the method or methods to be used in arriving at the payment formula.

(c) Each such contract shall provide that the carrier:

1. Will take such action as may be necessary to assure that, where payment under this chapter for a service is on a cost basis, the cost is reasonable, as referred to in subdivision (b) of Section 14104.

2. Will take such action as may be necessary to assure that where payment under this chapter is on a charge basis, such charge will be reasonable and not higher than the charge applicable for a comparable service and under comparable circumstances to the policyholders and subscribers of the carrier, and such payment will be made on the basis of a receipted bill, or on the basis of an assignment under the terms of which the reasonable charge is the full charge for the service.

3. Will, in the case of a contract with a carrier which, under contracts not affected by this chapter, limits the availability of services to a defined geographical area or areas, provide that the carrier will pay for necessary services furnished to any person who is covered by such contract and who receives such services outside such area or areas.

4. Will furnish to the director such timely information and reports as he may find necessary in performing his functions under this chapter.

5. Will maintain such records and afford such access thereto as the director finds necessary to assure the correctness and verification of the information and reports which may be required under paragraph (c)3 of this section.

6. Will make payment under this chapter promptly and in any event within 30 days from receipt by the carrier of proper evidence establishing the validity of the claim for payment.

In determining the reasonable charge for a physician's services, there shall be taken into consideration the customary charge for similar services generally made by the physician, as well as the prevailing charges in the locality for similar services.

(d) Each such contract shall provide that the carrier or plan will not charge to any family person or adult defined in Article 2 (commencing with Section 14050) of this chapter, part or all of any enrollment fee, extra charges, or premiums for care provided under this chapter.

(e) Each such contract shall provide that the carrier or plan will agree to provide such services as defined by the department without reference to the race, religion, creed, color, national origin or ancestry, or age of any person eligible under the provisions of this chapter

(f) Consistent with the efficient and economical administration of this chapter, at least one arrangement available to all recipients and medically indigent persons shall afford free

choice among physicians, pharmacists, and pharmacies willing to provide services under the terms of a contract entered into pursuant to this section.

(g) In the consideration of proposals for contracts with carriers under this chapter, the department shall, for comparative purposes, deduct from the total cost proposed by any carrier the amount of tax which that carrier would be required to pay under Part 7 (commencing with Section 12001) of Division 2 of the Revenue and Taxation Code computed on the basis of the net rate of tax, after deductions, which would have applied to such carrier for the preceding calendar year, had the amount of anticipated premium under the proposed contract been added to its taxable premiums for such year.

Contracts awarded to carriers under this section shall be awarded on a bid basis, and before entering into a contract with any carrier, the director shall publish notice soliciting bids from carriers.

The director, at least once each year, shall report to the Joint Legislative Budget Committee actions taken by him in the awarding of contracts under this section, including, but not limited to, the number and types of bids submitted, the basis on which contracts were awarded, and, if a contract is awarded to other than the lowest bidder, the reason for such action.

SEC. 38. Section 14105 of the Welfare and Institutions Code is amended to read:

14105. The director shall prescribe the policies to be followed in the administration of this chapter and the scope of the services to be provided, and may limit the rates of payment for such services, and shall adopt such rules and regulations as are necessary for carrying out, not inconsistent with, the provisions thereof.

Such policies and regulations shall include rates for payment for services not rendered under a contract pursuant to Section 14104. Standards for costs shall be based on payments of the reasonable cost for such services.

Insofar as practical, consistent with the efficient and economical administration of this part, the department shall afford recipients of public assistance free choice of arrangements under which they shall receive health care.

In establishing the scope of services to be provided, the director shall provide for recipients at least for a minimum coverage as defined in Section 14056, and insofar as possible shall include other health care and related remedial or preventive services giving priority to those services which are considered to have the greatest value in preventing or reducing the likelihood of future high cost medical services.

Notwithstanding the provisions of the preceding paragraph, and in accordance with the intent of this chapter, the director, with respect to medically indigent persons, may limit, by ap-

propriate classifications, the number of medically indigent persons eligible, and may limit the scope and kinds of health care to which such persons are entitled, to the extent necessary to operate programs under this chapter within the limits of appropriated funds. When and if necessary, such action shall be taken by the director with the advice of the Health Review and Program Council and in ways consistent with the requirements of the Federal Social Security Act.

SEC. 39. Section 14106 of the Welfare and Institutions Code is amended to read:

14106. The director shall, with respect to carriers and with the advice of the Health Review and Program Council, adopt all necessary rules and regulations to carry out the provisions of this chapter, including, but not limited to, establishing the scope and content of health care, regulations fixing reasonable minimum standards for health benefits plans, regulations fixing the time, manner, methods and procedures for determining whether a contract with any plan shall be undertaken or withdrawn, and regulations pertaining to any other matters made necessary by the provisions of this chapter.

In adopting such rules and regulations, the director shall be guided by the needs of eligible persons as well as prevailing practices in the field of arrangements for health care.

The director shall terminate contracts with any carrier if he finds that the standards prescribed therefor are not being complied with, that claims accrued or to accrue will not be paid, or for other good cause shown. The director shall give reasonable notice of his intention to terminate the contract to any carrier, to eligible persons and others who may be directly interested, including such other persons and organizations as the director may deem necessary and proper. The notice shall state the effective date of, and the reason for, the termination.

SEC. 40. Section 14108.5 of the Welfare and Institutions Code is amended to read:

14108.5 The Legislature hereby declares its concern with the problems which will be facing the counties with respect to the medical care of indigent persons who are not covered under the Social Security Act or by this chapter and, except as provided in Section 14150.1, whose medical care must be financed entirely by the counties in a time of heavily increasing medical costs.

SEC. 41. Section 14109 of the Welfare and Institutions Code is amended to read:

14109. In determining the medical needs of any person 65 years of age or over, eligible under this chapter, and the amount of health care such person is entitled to receive, the department shall include the cost of any deductibles or, cost sharing or similar charge imposed in connection with benefits to which such person may be entitled under the federal program of health insurance for the aged.

SEC. 42. Section 14111 of the Welfare and Institutions Code is amended to read:

14111. The amount of benefit an eligible person is entitled to receive under this chapter shall be determined in accordance with standards established by the director which take into consideration the amount of income in excess of that required for maintenance plus his excess resources or a reasonable portion thereof as determined pursuant to the provisions of Section 14005.

SEC. 43. Section 14112 of the Welfare and Institutions Code is amended to read:

14112. Health care provided pursuant to this chapter shall not constitute a lien against the property of any recipient or medically indigent or other person eligible under this chapter.

SEC. 44. Section 14113 of the Welfare and Institutions Code is amended to read:

14113. The department shall enter into cooperative arrangements with the State Department of Mental Hygiene, the State Department of Public Health, and the Department of Rehabilitation, and any other state agency or department responsible for health or vocational rehabilitation services in the state to insure the appropriate utilization of such services in the provision of health care and related remedial services under this chapter.

SEC. 45. Section 14114 of the Welfare and Institutions Code is amended to read:

14114. The director may make available information, in such form as he may deem satisfactory, as will enable the eligible persons to exercise an informed choice among the health benefits plans which have been contracted for under this chapter. Each eligible person enrolled in a health benefits plan shall be issued an appropriate document setting forth or authorizing the services or benefits to which that person is entitled thereunder, the procedure for obtaining benefits, and the principal provisions of the plan affecting the eligible person.

The Health Review and Program Council shall provide for a continuing study of the quality of care and services resulting from the operation of this chapter and for surveys and reports on health care plans and benefits. With respect to such plans contracted for under this chapter, the council may contract with the State Department of Public Health for studies and reports of the experience of such plans as to the standards of care available to eligible persons, gross and net costs, administrative costs, benefits, utilization of benefits, the portion of actual personal expenditures of eligible persons for health care which are being met by prepaid benefits, and the methods of evaluating and improving the quality of, and controlling the costs of, health care provided under such contracts; provided, however, that this section shall not be construed to require any plan to provide accounting data or statistical data not required in the normal operation of the plan.

SEC. 46. Section 14115 of the Welfare and Institutions Code is amended to read:

14115. Bills for service under this chapter shall be submitted not more than two months after the month in which the service is rendered, and shall be in the form prescribed by the director, except that the director may, where he finds that the delay in the submission of bills was caused by circumstances beyond the control of the provider, extend this period for a period not to exceed one year.

SEC. 47. Section 14117 of the Welfare and Institutions Code is amended to read:

14117. (a) When benefits are provided to a beneficiary under this chapter because of an injury for which another person is civilly liable, the director shall have a right to recover from such person the reasonable value of the benefits so provided. The Attorney General, or counsel for the fiscal intermediary under the California Medical Assistance Program with the permission of the Attorney General, or a county through its civil legal advisor, may, to enforce such right, institute and prosecute legal proceedings against the third person who is liable for the injury in the appropriate court, either in the name of the director or in the name of the injured person, his guardian, personal representative, estate or survivors. Such action shall be commenced within the period prescribed in Section 340 of the Code of Civil Procedure. In the event that the injured person, his guardian, personal representative, estate, survivors, or either of them brings an action for damages against the third person who is liable for the injury, the director's right of action shall abate during the pendency of such action, and, notwithstanding Section 14112, continue as a first lien against any judgment recovered by the injured person, his guardian, personal representative, estate, or survivors, against the third person who is liable for the injury, to the extent of the reasonable value of the care and treatment so furnished or to be furnished.

(b) The director may (1) compromise, or settle and execute a release of, any such claim, or (2) waive any such claim, in whole or in part, for the convenience of the director, or if the director determines that collection would result in undue hardship upon the person who suffered the injury.

(c) No action taken in behalf of the director pursuant to this section shall be a bar to any action upon the claim or cause of action of the injured person, his guardian, personal representative, estate, dependents, or survivors against the third person who is liable for the injury, or shall operate to deny to the injured person the recovery for that portion of his damage not covered hereunder.

SEC. 48. Section 14119 of the Welfare and Institutions Code is amended 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 who grants prior authorizations to providers.

SEC. 49. Section 14121 is added to the Welfare and Institutions Code, to read:

14121. Any recipient of health care under this chapter who is discharged from a hospital or nursing home, who meets the eligibility requirements for public assistance, and who otherwise has insufficient income to maintain himself, shall be granted aid immediately for the cost of his maintenance as determined by the standards set forth for such public assistance programs.

Any recipient of health care under this chapter who is discharged from a hospital or nursing home and who was a recipient of public assistance, shall be entitled to have his aid grant increased or restored immediately upon his discharge from the hospital or nursing home, and no new application shall be required.

SEC. 50. Section 14122 is added to the Welfare and Institutions Code, to read:

14122. The department may provide, by regulation and consistent with the requirements of the Federal Social Security Act, for the care and treatment, or both, of a recipient or a certified medically indigent person, pursuant to the provisions of this chapter, by or in facilities in another state in those cases where out-of-state care or treatment is rendered on an emergency basis or is otherwise in the best interests of the recipient and medically indigent person under the circumstances.

SEC. 51. Section 14125 of the Welfare and Institutions Code is amended to read:

14125. There is in the Department of Health Care Services the Health Review and Program Council, hereafter referred to as the council.

SEC. 52. Section 14126 of the Welfare and Institutions Code is amended to read:

14126 The council shall consist of 11 members appointed by the Governor, five of whom shall be members of the health professions.

The Director of Health Care Services, the Director of Social Welfare, the Director of Public Health, the Director of Rehabilitation, and the Director of Mental Hygiene shall serve as ex officio members of the council.

SEC 53. Section 14150 of the Welfare and Institutions Code is amended to read:

14150. In addition to the sums specified in Section 14151, the county share towards the cost of care and county administration provided under this chapter shall include:

(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 for such county, as determined by the Department of Finance, 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. 54. Section 14150 of the Welfare and Institutions Code as amended by Chapter 1264 of the Statutes of 1968 is amended to read:

14150. In addition to the sums specified in Section 14151, the county share towards the cost of care and county administration provided under this chapter shall include:

(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. 55. 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 for such county, as determined by the Department of Finance, 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 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. 56. Section 14150.1 of the Welfare and Institutions Code as amended by Chapter 1264 of the Statutes of 1968 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. 57. Section 14150.2 of the Welfare and Institutions Code is amended to read:

14150.2. (a) A county which has elected to come within the provisions of Section 14150.1 shall not be reimbursed for any increase in health services for persons in county or contract hospitals, unless the county first submits to the director a plan for such increased health services, and the director approves the plan. If the director approves the plan the county shall be reimbursed for the costs of providing such increased health services. The director shall adopt standards for approval of plans for increased health services pursuant to this subdivision. In no case shall the director approve any plan which increases costs to the state above the limit on expenditures specified in subdivision (c) of this section.

(b) A county which has elected to come within the provisions of Section 14150.1 shall not be reimbursed for the cost of providing increases in compensation for persons employed by the county in county hospitals, unless such increases in compensation meet the following compensation standards:

The director shall make a finding and, based upon that finding, make recommendations as to the level of salaries and

wages which the state should pay. The findings shall be based on an annual salary survey prepared by the State Personnel Board of prevailing or comparable wage and salary rates for the same or similar services in communities. The survey shall include due consideration of differences in salaries and wages in different areas of the state.

(c) Notwithstanding any other provision of this code, the state's obligation to pay to counties which have elected to come within the provisions of Section 14150.1 the amounts of costs incurred in any fiscal year for persons in county or contract hospitals who are neither categorical aid recipients nor medically indigent persons as specified in Section 14150 which are in excess of such costs for the 1964–65 fiscal year shall not exceed the amount appropriated by the Legislature in the Budget Act for that purpose.

SEC. 58. Section 14150.4 of the Welfare and Institutions Code as added by Chapter 1619 of the Statutes of 1967 is repealed.

SEC. 59. Section 14150.4 of the Welfare and Institutions Code as added by Chapter 1667 of the Statutes of 1967 is amended to read:

14150.4. County costs of health care ceilings provided for in Sections 14150, 14150.1, 14155, and 14156 shall not include county expenditures for services provided under the Short-Doyle Act or under the Lanterman-Petris-Short Act. Expenditure for Short-Doyle Act or Lanterman-Petris-Short Act services by counties are not "county costs of health care" within the meaning of this chapter.

SEC. 60. Section 14150.5 of the Welfare and Institutions Code is repealed.

SEC. 61. Section 14154 of the Welfare and Institutions Code is amended to read:

14154. From the sums appropriated by Section 14157, the State Treasurer, upon certification of the director as made under Section 14157, shall pay to each county an amount equivalent to the amount expended by the county for health care and administration under this chapter in excess of the county's share of such costs, as determined by the application of the formula set forth in Section 14150.

If a county elects to have its share computed under Section 14150.1, the State Treasurer, upon certification of the director as made under Section 14157, from the sums appropriated by Section 14157, shall pay to the county an amount equivalent to the amount expended by the county for health care provided to categorical aid recipients, and all other persons in the county hospital or in a contract hospital, in excess of the county's share of such costs, as determined by the application of the formula set forth in Section 14150.1.

SEC. 62. 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 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 for such county, as determined by the Department of Finance, 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. 63. Section 14155 of the Welfare and Institutions Code as amended by Chapter 1264 of the Statutes of 1968 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 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. 64. Section 14156 of the Welfare and Institutions Code is amended to read:

14156. Prior to February 15, 1966, the State Health and Welfare Agency shall promulgate its determination of 1964–65 county costs described in Sections 14150, 14150.1, and 14155 and shall furnish a copy thereof to each county board of supervisors. Any county claiming inaccuracies in the determination of any part of such costs for such county may, prior to March 31, 1966, petition the State Board of Control for a review of such determination of costs The State Board of Control shall investigate the matter, shall afford the county an opportunity for a hearing and shall issue a final cost determination for such county.

The department shall annually determine the amount, if any, each county has been charged under Sections 14150, 14150.1, and 14151 in excess of the limitation on county expenses made by Section 14150 1 or Section 14155. Such determination shall be made for each fiscal year by October 1st of the following fiscal year. The amount of excess charge, if any, for each county shall be paid to each county under Section 14154 as an additional amount thereunder.

SEC. 65. Section 14157 of the Welfare and Institutions Code is amended to read:

14157. There is hereby established a Health Care Deposit Fund from which expenditures of state, county and federal funds for health care and administration under this chapter shall be made upon order of the Controller in accordance with certifications made by the director.

The Controller shall deposit in this fund all federal funds as received under the provisions of Title XIX of the Social Security Act and all county funds received under this chapter.

All money in the Health Care Deposit Fund is hereby appropriated, for expenditure for the purposes specified in this chapter.

SEC. 66. Section 14158 of the Welfare and Institutions Code is amended to read:

14158. Funds for the medical assistance program shall be provided annually by appropriation in the Budget Act. The amount of state funds appropriated shall be transferred in such sums as are needed by the Controller from the General Fund to the Health Care Deposit Fund.

SEC. 67. Section 14159 is added to the Welfare and Institutions Code, to read:

14159. Expenditures for services and for state and county administration shall be charged against the appropriation for the fiscal year in which the billing is received.

SEC. 68. Chapter 8 (commencing with Section 14500) of Part 3 of Division 9 of the Welfare and Institutions Code is repealed.

SEC. 69. Section 17108 of the Welfare and Institutions Code is amended to read:

17108. The policies established under Section 17107 shall not deny needed care in a county hospital or contract hospital, as defined in Section 14057.5 of this code, to any person who meets the eligibility requirements for medical assistance for the aged, and shall not require the application of any property of such a person to his support or the taking of any lien upon that property.

SEC. 70. This act is an urgency statute necessary for the immediate preservation of the public peace, 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 other legislation enacted at the 1969 session of the Legislature may be directed to the recodification of the medical assistance program effected by this act, it is necessary that this act go into immediate effect.

SEC. 71. Notwithstanding Section 70 of this act Sections 24, 48, 54, 56, and 63 of this act shall become operative on July 1, 1969.

SEC. 72. Sections 23, 53, 55, and 62 of this act shall become operative immediately and shall cease to be operative on July 1, 1969 and shall be repealed as of that date.

CHAPTER 22

An act to provide for the cancellation or refund of property taxes, and declaring the urgency thereof, to take immediate effect.

[Approved by Governor March 27, 1969. Filed with Secretary of State March 27, 1969.]

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

SECTION 1. Notwithstanding Section 270 of the Revenue and Taxation Code two-thirds of any tax and all of any penalty or interest on the total tax, for any fiscal year commencing during the calendar year 1968, imposed upon property owned by any organization qualified for the college exemption, which was acquired after July 1, 1968, but prior to November 15, 1968, when the property is of a kind which would have been qualified for the college 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 Division 1 of the Revenue and Taxation Code as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of Division 1 of the Revenue and Taxation Code as if it had been erroneously collected. No claim for a cancellation or refund of taxes pursuant to this section shall be granted if an appropriate application for exemption is not filed on or before April 15, 1969.

SEC 2. The Legislature finds and declares that organizations eligible for the college exemption often acquire property after the beginning of the fiscal year 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. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Some organizations qualified for the college exemption purchased property during the 1968 calendar year, after the beginning of the fiscal year commencing during that calendar year, which property was taxed for the fiscal year 1968–69, although it would have been exempt from taxation for that year by reason of the college exemption had it been acquired prior to the commencement of the fiscal year. If required to meet all of 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 educational institutions of collegiate grade, as expressed in the Constitution, will be subserved and the state as a whole will benefit.

CHAPTER 23

An act relating to the Lawndale Elementary School District, declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 28, 1969. Filed with Secretary of State April 1, 1969.]

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

SECTION 1. On March 4, 1969, the voters of the Lawndale Elementary School District defeated a measure to raise the

maximum tax rate for the school district. Following the defeat of this measure many of the teachers of the school district temporarily left their employment causing a serious disruption of the education in the school district and threatening the disruption of the public peace. The school district is in extreme financial straits, and the governing board of the district, the teachers and many of the voters of the district have requested that the district tax override measure be placed before the voters of the district again and as soon as possible. It is necessary that the district tax override measure be placed before the voters of the district as soon as possible since notice to probationary employees that their services will not be required for the ensuing year must be given on or before May 15, 1969, and unless the financial status of the school district is known at the earliest possible time, many employees may leave the district, thus placing the school district in an even more threatened position. The teachers have returned to their classrooms on the understanding that every effort will be made to put this district tax override measure before the people as soon as possible.

The Legislature finds that the circumstances in the Lawndale Elementary School District require immediate and special legislation and that a general statute cannot be made applicable to these circumstances within meaning of Article IV, Section 16 of the California Constitution.

SEC. 2. The governing board of the Lawndale Elementary School District may call an election pursuant to this section to place before the voters of the district the proposition to increase the maximum school district tax that was defeated on March 4, 1969. This election shall be held no later than May 15, 1969, and shall be conducted as closely as possible in accordance with the provisions of Chapter 6 (commencing with Section 1301) of Division 4 of the Education Code, except the following:

(a) The specifications of the election order required by Section 1323 shall be delivered by the governing board of the Lawndale Elementary School District to the Los Angeles County Superintendent of Schools no later than the 25th day before the election.

(b) The formal notice of election required by Section 1326 shall be delivered by the Los Angeles County Superintendent of Schools to the Los Angeles County Registrar of Voters no later than the 22nd day before the election.

(c) The Los Angeles County Superintendent of Schools shall publish notice of the election three times between the 20th day and the 5th day before the election in the manner prescribed in Section 1344 or shall post notice of the election no later than the 15th day before the election in the manner prescribed by Section 1343.

(d) The Los Angeles County Registrar of Voters shall mail the sample ballot and card designating the polling places and time of the election to each registered voter residing in the

Lawndale Elementary School District no later than the 7th day before the election.

(e) The Los Angeles County Superintendent of Schools shall mail absentee ballots no earlier than the 10th day and no later than the 7th day before the election and such ballots shall be returned in the manner specified by Section 1402.

(f) To satisfy the provisions of Article 12 (commencing with Section 1460) of Chapter 6, Division 4 of the Education Code in any election called pursuant to this act, the Los Angeles County Superintendent of Schools shall use the ballot arguments used in the election held on March 4, 1969.

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

The defeat of a tax override measure in the Lawndale Elementary School District has placed the school district in extreme financial straits. The defeat of the tax override measure resulted in many of the teachers of the school district temporarily leaving their employment, harming of the education of its pupils, and threatening a disruption of the public peace and the educational process. The immediate approval of an increase in the school district's maximum tax rate will enable the school district governing board to keep the schools open and will enable the public peace to be restored without substantial damage.

CHAPTER 24

An act to add a new article heading immediately preceding Section 29120 of, and to add Article 2 (commencing with Section 29140) to Chapter 7 of Part 2 of Division 10 of, the Public Utilities Code, to amend Sections 6052.5, 6406, 6470, 7056 and 30111 of, and to add Part 1.6 (commencing with Section 7251) to Division 2 of, the Revenue and Taxation Code, and to amend Section 30775 of, and to add Section 30775.1 to, the Streets and Highways Code, relating to the San Francisco Bay Area Rapid Transit District.

[Approved by Governor April 8, 1969. Filed with Secretary of State April 8, 1969.]

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

SECTION 1. It is declared to be the policy of the Legislature to take all action necessary to assure the timely completion of a rapid transit system in the Counties of Alameda, Contra Costa, and San Francisco, in order to provide for the most efficient and economical movement of persons, property, and traffic in that area and to alleviate the presently existing traffic congestion in those three counties. The Legislature finds

that the completion of a transit system in the San Francisco Bay Area Rapid Transit District is endangered by lack of funds and that the need for additional funds to complete the transit system, without demeaning either the extent or quality of the proposed service, is small when compared with the amount already spent or committed to the project or when compared to the benefits which prompt completion of a high-quality transportation system will bring to that area and to the state.

The Legislature is also fully aware that the spiraling increases in property taxes throughout the state are making it more and more difficult for property owners to support the cost of services supplied by local government.

It is the purpose of this act to supply additional revenue to aid in the completion of a rapid transit system in the bay area.

SEC. 2. The following article heading is added to the Public Utilities Code, immediately to precede Section 29120, to read:

Article 1. Property Taxation

SEC. 3. Article 2 (commencing with Section 29140) is added to Chapter 7 of Part 2 of Division 10 of the Public Utilities Code, to read:

Article 2. Retail Transactions and Use Tax

29140. Within 30 days after the effective date of this article, the board of directors shall, by ordinance, impose transactions and use taxes in conformity with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code. The transactions and use taxes imposed shall not be repealed until the funds for completion of the system described in Section 29142 have been received by the district, subject to the limitation specified in such section, and all bonds and notes payable from the revenues derived from such tax have been fully paid or provision has been made for their payment in full. At such time as these conditions for repeal are met, the authority of the district to impose a transactions and use tax shall terminate and the ordinance shall be repealed. Such repeal shall be operative on the first day of the first calendar quarter commencing more than 90 days after such repeal.

Notwithstanding the imposition of the transactions and use taxes pursuant to this article, the boards of supervisors of the three counties within the district may by resolution jointly call an advisory election within the district at which the voters may vote upon alternate methods of providing the district with the funds for completion of the system described in Section 29142. Such alternate methods shall be specified in the resolutions calling such election. The alternate method receiving the highest number of votes cast, but not less than a majority

thereof, shall be put into effect, subject to the enactment of enabling legislation.

To the extent of any funds received by the district under such alternate method of financing, after deducting expenses of collection, the amount of revenues from transactions and use taxes pursuant to this article authorized under Section 29142 shall be reduced in order that such taxes shall earlier terminate.

All funds received by the district under such alternate method of financing shall be pledged for the payment of and shall secure any revenue bonds or notes then outstanding under Section 29143, so that in no event shall the obligation of such revenue bonds or notes be impaired.

29140.5. If pursuant to Section 29140, the Legislature subsequently enacts enabling legislation for any other method of financing under which funds are provided to the district for completion of the system described in Section 29142, or if other methods of financing shall hereafter be approved as a result of other legislation hereafter enacted, then to the extent of any funds received by the district under such other method of financing, after deducting expenses of collection, the amount of revenues from transactions and use taxes pursuant to this article authorized under Section 29142 shall be reduced in order that such taxes shall earlier terminate. If sufficient funds are received by the district as a result of such legislation to accomplish the purposes specified in Section 29142 then the taxes authorized in said section shall be repealed.

All funds received by the district under such other method of financing shall be pledged for the payment of and shall secure any revenue bonds or notes then outstanding under Section 29143, so that in no event shall the obligation of such revenue bonds or notes be impaired.

29141. Any transactions and use taxes ordinance adopted pursuant to this article shall be operative on the first day of the first calendar quarter commencing more than 90 days after the effective date of this article, or January 1, 1970, whichever is later.

Prior to the operative date of the ordinance, the district shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of the ordinance.

If the district shall not have contracted with the State Board of Equalization prior to the operative date of its ordinance, 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.

29142. Revenues derived from such taxes, not to exceed an aggregate principal amount of one hundred fifty million dollars ($150,000,000), plus the costs payable by the district to the State Board of Equalization for preparatory costs and for its services in connection with such taxes and plus the costs of issuance of, and interest payments on, bonds or notes secured by such revenues, shall be used for the planning, acquiring and

constructing of the district's approximately 75-mile system, including the San Francisco-Oakland Rapid Transit Tube and any and all works, structures, property, rolling stock or other facilities of any kind which the district is authorized to acquire, construct or complete.

29143. The district is hereby authorized to issue revenue bonds, payable, in whole or in part, from revenues made available under this article. Such revenues are hereby declared to be revenues of the enterprise for all purposes of the Revenue Bond Law of 1941, provided for in Chapter 6 (commencing with Section 54300) of Part 1, Division 2, Title 5 of the Government Code, and the restrictions therein provided against the securing of bonds by the taxing power or the proceeds of taxation shall not apply. The district shall be deemed a "local agency" and the planning, acquiring, constructing, operating or maintaining of the district's rapid transit facilities, or any part thereof, shall be deemed an "enterprise," within the meaning of the Revenue Bond Law of 1941. The provisions of such law not inconsistent with any of the provisions of this article are hereby made applicable to the district, except that no election shall be required for the issuance of such revenue bonds authorized by the board pursuant to this article and secured, in whole or in part, by the revenues made available under this article and provided, further, that notwithstanding any provision of the Revenue Bond Law of 1941 to the contrary, the resolution or indenture authorizing the issuance of any revenue bonds secured in whole or in part by such revenues shall provide that use of such revenues by the district to redeem bonds shall be continued in effect until such bonds are fully paid or provision has been made for their payment in full.

The district may borrow money in anticipation of the revenues made available under this article and may, from time to time, issue negotiable notes for that purpose.

In addition to pledging revenues for the payment of any revenue bonds, the district may pledge for the payment of such bonds all other income or receipts of the district which are not required by law to be used for other purposes.

29144. If upon the completion of the system described in Section 29142, the district has any surplus of capital funds from any source, including funds derived pursuant to this article, such funds shall be applied to reduce the rate of tax provided for in Section 29121 of this code.

SEC. 4. Section 6052.5 of the Revenue and Taxation Code 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, at the 5½-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

5½ percent	
Price	Tax
.01– .10	.00
.11– .25	.01
.26– .45	.02
.46– .62	.03

5½ percent	
Price	Tax
.63– .79	.04
.80– .97	.05
.98–1.15	.06

The remainder of the schedules at the 4-percent rate and at the 5-percent rate and at the 5½-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), by any ordinance enacted pursuant to Part 1.6 (commencing

with Section 7251), 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), Part 1.6 (commencing with Section 7251), 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 7056 of the Revenue and Taxation Code is amended to read:

7056. Excepting the information set forth on permits issued under Article 2 (commencing with Section 6066) of Chapter 2 of this part, it is unlawful for the board or any person having an administrative duty under this part to make known in any manner whatever the business affairs, operations, or any other information pertaining to any retailer or any other person required to report to the board or pay a tax pursuant to this part, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person. However, the Governor may, by general or special order, authorize examination by other state officers, by tax officers of another state, by the federal government, if a reciprocal arrangement exists, or by any other person of the records maintained by the board under this part. The information so obtained pursuant to the order of the Governor shall not be made public except to the extent and in the manner that the order may authorize that it be made public.

When requested by resolution of the legislative body of any county, city and county or city, the board shall permit any duly authorized officer or employee of such county, city and county, or city, to examine all of the sales and use tax records of the board pertaining to sales and use taxes collected for the county, city and county or city by the board pursuant to contract entered into between the board and the county, city and county or city under the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5, commencing with Section 7200, of Division 2 of the Revenue and Taxation Code). Information obtained by examination of board records as herein permitted shall be used only for purposes related to the collection of local sales and use taxes by the board pursuant to the contract.

When requested by resolution of the board of directors of a district the board shall permit any duly authorized officer or employee of such district to examine the records of the board pertaining to transactions and use taxes collected for the district by the board pursuant to contract entered into between the board and the district under Section 29141 of the Public Utilities Code. Information obtained by examination of the board records as herein permitted shall be used only for purposes related to the collection of district transactions and use taxes by the board pursuant to the contract.

Successors, receivers, trustees, executors, administrators, assignees, and guarantors, if directly interested, may be given information as to the items included in the measure and amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties.

SEC. 8. Part 1.6 (commencing with Section 7251) is added to Division 2 of the Revenue and Taxation Code, to read:

PART 1.6. TRANSACTIONS AND USE TAXES

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

7251. This part is known and may be cited as the "Transactions and Use Tax Law."

7252. "District" as used in this part, means the San Francisco Bay Area Rapid Transit District.

7253. "Transaction" or "transactions" as used in this part have the same meaning respectively as the words "sale" or "sales," and the word "transactor" as used in this part has the same meaning as "seller," as "sale" or "sales" and "seller" are used in Part 1 (commencing with Section 6001) of this division.

CHAPTER 2. IMPOSITION OF TAX

7261. The transactions tax portion of any transactions and use taxes ordinance adopted under this part shall be imposed for the privilege of selling tangible personal property at retail, and shall include provisions in substance as follows:

(a) A provision imposing a tax for the privilege of selling tangible personal property at retail upon every retailer in the district at a rate of 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 the district.

(b) Provisions identical to those contained in Part 1 (commencing with Section 6001) of this division, excepting Section 6376, insofar as they relate to sales taxes and are not inconsistent with this part, except that the name of the 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 this code.

(c) A provision that all amendments subsequent to the effective date of this part to Part 1 (commencing with Section 6001) of this division relating to sales tax and not inconsistent with this part shall automatically become a part of the transactions and use taxes ordinance; provided, however, that no such amendment shall operate so as to affect the rate of tax imposed by the district's board.

(d) 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, or the amount of any state administered transactions or use tax.

(e) A provision that sales of property to 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 county of sale are exempt from the tax.

(f) A provision that sales of property to be used outside the district which is shipped to a point outside the district, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point, are exempt from the tax.

(g) A provision that the sale of tangible personal property is exempt from tax if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of the ordinance. A lease of tangible personal property which is a continuing sale of such property is exempt from tax for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of the ordinance. For the purposes of this subdivision, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

7262. The use tax portion of any transactions and use tax ordinance adopted under this part shall impose a complemen-

tary tax upon the storage, use or other consumption in the district of tangible personal property purchased from any retailer for storage, use or other consumption in the district. Such tax shall be at a rate of one-half of 1 percent of the sales price of the property whose storage, use or other consumption is subject to the tax, and the ordinance shall include provisions in substance as follows:

(a) Provisions identical to those contained in Part 1 (commencing with Section 6001) of this division, excepting Section 6376, insofar as they relate to use taxes and are not inconsistent with this part, except that the name of the district as the taxing agency shall be substituted for that of the state. The name of the district shall be substituted for the word "state" in the phrase "retailer engaged in business in this state" in Section 6203 and in the definition of that phrase.

(b) A provision that all amendments subsequent to the effective date of this part to the provisions of Part 1 (commencing with Section 6001) of this division relating to the use tax and not inconsistent with this part shall automatically become a part of the ordinance; provided, however, that no such amendment shall operate so as to affect the rate of tax imposed by the district's board.

(c) 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, or the amount of any state administered transactions or use tax.

(d) 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 any state administered transactions and use taxes ordinance shall be exempt from the tax.

(e) 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 be exempt from the tax.

(f) A provision that the storage, use, or other consumption in the district of tangible personal property is exempt from tax if purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of the ordinance. The possession of, or the exercise of any right or power over, tangible personal property under a lease which is a continuing purchase of such property is exempt from tax for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of the ordinance. For the purposes of this subdivision, storage, use, or other consump-

tion, or possession, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

7263. For the purposes of a transactions tax imposed by an ordinance adopted pursuant to this part, 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 sales 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 sales are consummated for the purpose of a transactions tax imposed by an ordinance adopted pursuant to this part shall be determined under rules and regulations to be prescribed and adopted by the board.

7264. The Controller shall deduct local transactions taxes on sales of motor vehicle fuel which are subject to tax and refund pursuant to Section 6357 of this division.

CHAPTER 3. ADMINISTRATION

7271. All transactions and use taxes collected by the board pursuant to contract with the district shall be transmitted by the board to the district periodically as promptly as feasible. The transmittals shall be made at least twice in each calendar quarter.

7272. The contract referred to in Section 29141 of the Public Utilities Code shall provide that the district shall pay to the board its costs of preparation to administer and operate the transactions and use taxes ordinance. The district shall pay such costs monthly as incurred and billed by the board. Such costs include all preparatory costs including costs of developing procedures, programming for data processing, developing and adopting appropriate regulations, designing and printing of forms, developing instructions for the board's staff and for taxpayers, and other necessary preparatory costs which shall include the board's direct and indirect costs as specified by Section 11256 of the Government Code. Any disputes as to the amount of preparatory costs incurred shall be resolved by the Director of Finance and his decision shall be final. The maximum amount of all preparatory costs to be paid by the district shall not in any event exceed one hundred twenty-five thousand dollars ($125,000).

7273. In addition to the amounts provided in the preceding section for preparatory costs, the board shall charge the district for the board's services in administering the transactions

and use tax ordinance of the district such amounts as will reimburse the board for the cost to it in rendering the services as determined by the Director of Finance. Such amounts shall be deducted from the taxes collected by the board for the district.

SEC. 9. 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 with Section 6001), Part 1.5 (commencing with Section 7200), Part 1.6 (commencing with Section 7251) or Article 2 (commencing with Section 37021) of Part 17 of this division to the sale, storage, use or other consumption of cigarettes.

SEC. 10. Section 30775 of the Streets and Highways Code is amended to read:

30775. The authority shall issue revenue bonds pursuant to the California Toll Bridge Authority Act (Chapter 1 (commencing with Section 30000) of this division) in an amount sufficient to provide funds, which, together with all moneys theretofore advanced by the authority to the district in aid of the financing of the rapid transit tube and the approaches thereto, shall not exceed an aggregate principal amount of one hundred eighty million dollars ($180,000,000) for the construction of the rapid transit tube.

In the event funds in excess of one hundred eighty million dollars ($180,000.000) are required for any purpose relating to either the construction or financing of the rapid transit tube and the approaches thereto, including, but not limited to:

(1) Payment of claims, if any, arising out of the construction thereof;

(2) Reconstruction or alterations thereof;

(3) Maintenance thereof from and after the time any portion thereof is completed and accepted by the district and prior to commencement of operation of trains therein, this, notwithstanding any existing agreement between the department and the district; or

(4) Any and all other costs or expenses arising out of or incident to the construction or financing thereof;

such funds shall be provided from the revenues made available under Article 2 (commencing with Section 29140) of Chapter 7 of Part 2 of Division 10 of the Public Utilities Code or from bonds or notes secured thereby. The district shall construct the rapid transit tube, it having been determined that prior to November 30, 1963, the voters of the district did approve the issuance of general obligation bonds of the district for the construction of a regional rapid transit system.

It is hereby declared to be the intention of the Legislature to limit the obligation of the California Toll Bridge Authority to provide funds for the construction of the rapid transit tube,

either directly from the San Francisco-Oakland Bay Bridge Toll Revenue Fund or through the issuance of bonds secured by a pledge of the revenues of the San Francisco-Oakland Bay Bridge, the San Mateo-Hayward Bridge and the Dumbarton Bridge, to a total sum not to exceed one hundred eighty million dollars ($180,000,000). The Legislature hereby finds and determines that the imposition of such limitation is essential in order to permit the authority to issue revenue bonds to finance an additional highway crossing of San Francisco Bay and thereby to implement the legislative policy declared in Section 30779 of this code.

SEC. 11. Section 30775.1 is added to the Streets and Highways Code, to read:

30775.1. On and after the date revenues are made available to the district under Article 2 (commencing with Section 29140) of Chapter 7 of Part 2 of Division 10 of the Public Utilities Code and notwithstanding any agreement between the district and the department to the contrary, the district shall have sole control and responsibility over all matters relating to the rapid transit tube, including construction. On and after the imposition of such transactions and use tax, the department shall have no authority or responsibility relative to the tube, including actions taken or disbursements made by the district relative thereto whether made heretofore or hereafter. Upon completion and acceptance by the district of all or any portion of the tube, and notwithstanding any existing agreement between the district and the department, title to any such portion shall immediately vest in the district, and the state shall have no further obligation or responsibility therefor except its obligations to aid in the financing of the rapid transit tube as provided in this article. Funds to be provided to the district hereunder shall be furnished to the district by the department in accordance with schedules furnished by the district to the department from time to time showing the amounts reasonably required by the district from time to time to meet its accruing obligations for costs of the rapid transit tube and approaches. Such schedules shall be furnished monthly or at such other intervals as the district and the department may agree upon.

The department is authorized to retain in a fund established for such purpose money to cover contingent liabilities including claims arising out of the construction contracts. The district may deposit in such fund moneys derived from Article 2 (commencing with Section 29140) of Chapter 7 of Part 2 of Division 10 of the Public Utilities Code or other moneys or credits available to the district. The amounts to be retained in such fund and disbursements from such fund shall be at the direction of the department. The department, however, shall not retain a greater amount than is necessary to cover anticipated claims by the contractor or moneys necessary to meet estimated contingent liabilities In determining the amount of claims and contingencies, the department shall, to the great-

est extent possible, base such amounts upon evaluation of the amount of claims and contingent items prepared by the district.

The department shall to the extent practicable invest moneys in such fund in bonds and obligations eligible for investment of surplus state money. All moneys placed in such fund by the district which are not derived from revenues of the San Francisco-Oakland Bay Bridge Toll Revenue Fund shall be invested separately and any interest thereon shall be credited to the district. The department shall return to the district any such moneys not necessary to cover claims or contingencies.

CHAPTER 25

An act to maintain the Financial Code by amending and renumbering Section 21200.5, as added by Chapter 563 of the Statutes of 1968, of the Financial Code, relating to pawnbrokers.

[Approved by Governor April 8, 1969. Filed with Secretary of State April 8, 1969.]

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

SECTION 1. Section 21200.5 of the Financial Code, as added by Chapter 563 of the Statutes of 1968, is amended and renumbered to read:

21200.7. The maximum charge of compensation charged by a pawnbroker pursuant to the authority of Section 21200 shall be posted in a place clearly visible to the general public.

CHAPTER 26

An act to amend and renumber the heading of Chapter 5 (commencing with Section 3000) of Division 2, to amend and renumber Section 9401, to amend Sections 10500, 11521, 12522, 16482, 21113, and 22452, and to repeal Section 9400 of the Vehicle Code, relating to vehicles.

[Approved by Governor April 8, 1969. Filed with Secretary of State April 8, 1969.]

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

SECTION 1. The heading of Chapter 5 (commencing with Section 3000) of Division 2 of the Vehicle Code is amended and renumbered to read:

CHAPTER 6. NEW CAR DEALERS POLICY AND APPEALS BOARD

SEC. 2. Section 9400 of the Vehicle Code is repealed.

SEC. 3. Section 9401 of the Vehicle Code is amended and renumbered to read:

9400. (1) In addition to any other registration fee there shall be paid the fees set forth in this section for the registration of commercial vehicles, except vehicles designed to transport property which are used exclusively to transport passengers without the owner thereof receiving compensation or profit for the transportation. Whenever a camper is temporarily attached to a motor vehicle designed to transport property such motor vehicle shall be subject to the fees imposed by this section. The camper shall be deemed to be a load, and fees imposed by this section upon the motor vehicle shall be based upon the unladen weight of such motor vehicle, exclusive of the camper.

(a) For any electric vehicle designed, used, or maintained as described in this section, fees shall be paid for registration according to the following schedule:

Unladen weight	Fee
Less than 6,000 lbs.	$54
6,000 lbs. or more but less than 10,000 lbs.	108
10,000 lbs. or more	145

(b) For any motor vehicle having not more than two axles and designed, used or maintained as described in this section, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

Unladen weight	Fee
3,000 lbs. to and including 4,000 lbs.	$17
4,001 lbs. to and including 5,000 lbs.	32
5,001 lbs. to and including 6,000 lbs.	48
6,001 lbs. to and including 7,000 lbs.	64
7,001 lbs. to and including 8,000 lbs.	80
8,001 lbs. to and including 9,000 lbs.	95
9,001 lbs. to and including 10,000 lbs.	112
10,001 lbs. to and including 11,000 lbs.	127
11,001 lbs. to and including 12,000 lbs.	143
12,001 lbs. to and including 13,000 lbs.	159
13,001 lbs. to and including 14,000 lbs.	175
14,001 lbs. and over	190

(c) For any motor vehicle having three or more axles or for any trailer, semitrailer, pole or pipe dolly, logging dolly, or other dolly designed, used or maintained as described in this section, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

Unladen weight	Fee
2,000 lbs. to and including 3,000 lbs.	$13
3,001 lbs to and including 4,000 lbs.	24
4,001 lbs. to and including 5,000 lbs.	48
5,001 lbs. to and including 6,000 lbs.	71
6,001 lbs. to and including 7,000 lbs.	95

7,001 lbs. to and including	8,000 lbs.	119
8,001 lbs. to and including	9,000 lbs.	143
9,001 lbs. to and including	10,000 lbs.	167
10,001 lbs. to and including	11,000 lbs.	190
11,001 lbs. to and including	12,000 lbs.	214
12,001 lbs. to and including	13,000 lbs.	238
13,001 lbs. to and including	14,000 lbs.	262
14,001 lbs. to and including	15,000 lbs.	286
15,001 lbs. and over		318

(2) In addition to any other registration fee there may be paid the following fee for registration of any commercial motor vehicle with an unladen weight of less than 3,000 pounds —fee—$12.

SEC. 4. Section 10500 of the Vehicle Code is amended to read:

10500. Every peace officer upon receiving a report based on reliable information that any vehicle registered under this code has been stolen or that license plates for any vehicle have been lost or stolen shall, immediately after receiving such information, report the theft or loss to the Department of the California Highway Patrol. An officer upon receiving information of the recovery of any vehicle or plates, which have been previously reported as stolen or lost, shall immediately report the fact of the recovery to said department. At the same time the recovering officer shall advise the California Highway Patrol and the original reporting police agency of the location and condition of such stolen vehicle.

SEC. 5. Section 11521 of the Vehicle Code is amended to read:

11521. The provisions of Section 4457, 4458, and 4459 shall not apply when a vehicle is reported for dismantling. However, any person desiring to dismantle such vehicle shall, in accordance with Section 11520, surrender to the department the certificate of ownership, registration card, and license plate or plates last issued for such vehicle. In event the person so reporting is unable to furnish the certificate of ownership, registration card, and license plate or plates last issued to the vehicle, or any of them, the department may receive such report and application, examine into the circumstances of the case, and may require the filing of suitable affidavits, or other information or documents. No duplicate certificate of ownership, registration card, license plate or plates will be issued when a vehicle is reported for dismantling and no fees shall be required for the aforesaid affidavit or any stolen, lost or damaged certificate, card, plate or plates or duplicates thereof, unless the vehicle is subsequently registered in accordance with Section 11519.

SEC. 6. Section 12522 of the Vehicle Code is amended to read:

12522. (a) Every person who operates a schoolbus in the transportation of school pupils shall, in addition to any other

requirement for a schoolbus driver's certificate, qualify by an examination on first aid practices deemed necessary for schoolbus operators as determined and prescribed by the Department of Public Health after consultation with the Departments of Education, Motor Vehicles, and California Highway Patrol. The local school authority employing the applicant shall provide a course of instruction concerning necessary first aid practices.

(b) The California Highway Patrol shall conduct the first aid examination as part of the examination of applicants for a schoolbus driver's certificate and shall certify to the Department of Motor Vehicles that the applicant has satisfactorily demonstrated his qualifications in first aid practices, knowledge of schoolbus laws and regulations, and ability to operate a schoolbus. The first aid certifications shall be valid for the term of the schoolbus driver's certificate.

(c) The first aid examination may be waived if the applicant holds a first aid certificate issued by the American Red Cross or United States Bureau of Mines that will remain valid throughout the term of the schoolbus driver's certificate.

(d) No person shall be denied a schoolbus driver's certificate if he is in the process of completing a first aid course which will satisfy the requirements of this section. If the course or examination given pursuant to this section is not satisfactorily completed within 90 days from the issuance of the certificate, the certificate becomes invalid on the 91st day after the date of issuance.

SEC. 7. Section 16482 of the Vehicle Code is amended to read:

16482 (a) Any person whose privilege to operate a motor vehicle or whose privilege to register a motor vehicle has been suspended because of failure to satisfy a judgment and the judgment has been outstanding for a period of three years or more, may be relieved of the penalties therein provided and the privilege of the person to operate and register a motor vehicle may be restored in the event the person files with the department and thereafter maintains proof of ability to respond in damages notwithstanding that the judgment which gave rise to the order of suspension has not been paid or fully satisfied.

(b) Any person who has filed proof of ability to respond in damages as hereinbefore required for three years, or who has been eligible to file such proof for three years, may be relieved of the requirement of filing proof as provided in paragraph (2) of subdivision (a) of Section 16480.

SEC. 8. Section 21113 of the Vehicle Code is amended to read:

21113. (a) No person shall drive any vehicle or animal, nor shall any person stop, park, or leave standing any vehicle or animal, whether attended or unattended, upon the driveways, paths, or the grounds of any public school, state university, state college, state, county, hospital district, or municipal

institution or building, or any educational institution exempted in whole or in part from taxation, except with the permission of, and upon and subject to such conditions and regulations as may be imposed by, the governing board or officer of the public school, state university, state college, state, county, hospital district, or municipal institution or building, or educational institution.

(b) Every governing board or officer shall erect or place appropriate signs giving notice of any special conditions or regulations that are imposed under this section and every board or officer shall also prepare and keep available at the principal administrative office of the board or officer, for examination by all interested persons, a written statement of all such special conditions and regulations adopted under this section.

(c) When any governing board or officer permits public traffic upon the driveways, paths or grounds under their control then, in the absence of any special condition or regulations applicable to the traffic, all the provisions of this code relating to traffic upon the highways shall be applicable to the traffic upon the driveways, paths, or grounds.

SEC. 9. Section 22452 of the Vehicle Code is amended to read:

22452. (a) The provisions of this section shall apply to the operation of the following vehicles:

Any bus carrying passengers for hire.

Any motortruck transporting employees in addition to those riding in the cab.

Any bus transporting employees.

Any schoolbus carrying any schoolchild.

Any bus transporting minors on any outing organized on a group basis.

Any vehicle carrying explosive substances as a cargo or part of a cargo.

Any tank vehicle as defined in Section 34003 whether loaded or empty.

Any vehicle transporting more than 120 gallons of flammable liquids or liquefied petroleum gas in containers having a capacity of more than 20 gallons as a cargo or major portion of a cargo.

(b) Before traversing a railroad grade crossing, the driver of any vehicle described in subdivision (a) shall stop such vehicle not less than 10 nor more than 50 feet from the nearest rail of the track and while so stopped shall listen, and look in both directions along the track, for any approaching train and for signals indicating the approach of a train, and shall not proceed until he can do so safely. Upon proceeding, the gears shall not be shifted manually while crossing the tracks.

(c) No stop need be made at any such crossing:

(1) Of railroad tracks running along and upon the roadway within a business or residence district.

(2) Where a traffic officer or an official traffic control signal directs traffic to proceed.

(3) Of an industrial or spur track as defined by the Public Utilities Commission, or a branch line having less than daily train service which crosses a street leading to a public ferry, provided that a distinctive sign as authorized by that commission is displayed.

CHAPTER 27

An act to amend Section 8 of Chapter 1280 of the Statutes of 1957, relating to the Tehama County Flood Control and Water Conservation District.

[Approved by Governor April 8, 1969 Filed with Secretary of State April 8, 1969]

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

SECTION 1. Section 8 of Chapter 1280 of the Statutes of 1957 is amended to read:

Sec. 8. On or before 60 days after the effective date of this act, the Board of Supervisors of Tehama County shall appoint a district board of directors of five members which shall exercise the powers of the district enumerated in this act, except as otherwise provided, and may perform all other acts necessary or proper in their discretion to accomplish the purpose of this act. Each member of the board of directors appointed by the Board of Supervisors of Tehama County shall be a resident and qualified elector of the district and a freeholder owning land within the district.

Of the members first appointed, one shall be appointed to serve for a term of one year, one for a term of two years, one for a term of three years, and two for a term of four years. Thereafter all members shall be appointed for a term of four years. Any member of the board of directors may be removed from office at any time, with or without cause, by the board of supervisors, a majority of the entire membership concurring. All vacancies of the membership of the board of directors shall be immediately filled by appointment by the board of supervisors for the unexpired portion of the term in which they occur.

The board of directors may adopt and enforce reasonable rules and regulations for the administration and government of the district and facilitate the exercise of its powers and duties herein set forth, and may employ and fix the compensation of all necessary agents and employees to look after the performance of any work or improvements provided in this act. Each member of the board of directors shall receive twenty-five dollars ($25) for each day he is in attendance at official meetings of the board and shall be allowed his actual, necessary, and reasonable expenses incurred in carrying out

his duties under this act. The directors shall elect a chairman, who shall preside at all meetings of the board and in case of his absence or inability to act, the members present shall, by an order entered in their minutes, select one of their number to act as chairman temporarily. Any member of the board may administer oaths when necessary in the performance of his official duties. A majority of the members of the board shall constitute a quorum for the transaction of business, and no act of the board shall be valid or binding unless a majority of the board concur therein.

CHAPTER 28

An act to amend Section 36620 of the Vehicle Code, relating to length of combination of vehicles.

[Approved by Governor April 8, 1969. Filed with Secretary of State April 8, 1969.]

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

SECTION 1. Section 36620 of the Vehicle Code is amended to read:

36620. A combination of vehicles consisting of a power unit and two cotton trailers when used on the highway for the exclusive purpose of transporting cotton from a farm to a cotton gin and returning the empty trailers to such farm may exceed a total length of 60 feet but shall not exceed a total length of 70 feet if both of such cotton trailers had first obtained special identification plates, as set forth in Section 36125, prior to July 1, 1963.

The provisions of this section shall be operative only until the 91st day after final adjournment of the 1971 Regular Session of the Legislature.

CHAPTER 29

An act to maintain the Revenue and Taxation Code by amending Sections 8101.7, 10753, 17253, 17834, 23305, 24455, and 25205, relating to taxation.

[Approved by Governor April 8, 1969. Filed with Secretary of State April 8, 1969.]

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

SECTION 1. Section 8101.7 of the Revenue and Taxation Code is amended to read:

8101.7. No refund of any tax shall be granted which is attributable to the distribution of motor vehicle fuel for use

or used in propelling a vessel in the state, except the following refund:

Any tax which is attributable to the distribution of motor vehicle fuel for use or used in propelling a vessel operated by its owner on waters located on private property owned or controlled by him.

The Legislature hereby declares its intent that the motor vehicle fuel upon which the fuel tax is refunded in part shall be subject to the provisions of Section 6357 with respect to collection of sales and use tax thereon to the same extent as if the entire amount of the fuel tax had been refunded.

SEC. 2. Section 10753 of the Revenue and Taxation Code is amended to read:

10753. (a) For the purposes of this part the market value of passenger vehicles as defined in Section 465 of the Vehicle Code shall be determined by the department upon the basis of the California suggested base price as herein defined and as established by the manufacturers.

(b) On all other vehicles the department shall determine the market value of the vehicle on the basis of the cost price to the purchaser as evidenced by a certificate of cost, but not including California sales or use tax or any local sales or other local tax.

(c) In the event the department is unable to ascertain the California suggested base price as herein defined in respect to any passenger vehicles by reason of the same being a specially constructed vehicle, or for any other reason, the department shall determine the market value upon the basis of the cost price to the purchaser of the vehicle as evidenced by a certificate of cost, but not including California sales or use tax or any local sales or other local tax.

(d) In the event any vehicle is modified or additions are made to the chassis or body at a cost of two hundred dollars ($200) or more, but not including any change of engine of the same type or any cost of repairs to a vehicle, the owner of such vehicle shall report any said modification or additions to the department and the department shall classify or reclassify the vehicle in its proper class as provided in Section 10753.2, taking into consideration the increase in the market value of the vehicle due to such modifications or additions, and any reclassification resulting in increase in market value shall be based on the cost to the consumer of such modifications or additions In the event any vehicle is modified or altered resulting in a decrease in the market value thereof of two hundred dollars ($200) or more as reported to and determined by the department, the department shall classify or reclassify the vehicle in its proper class as provided in Section 10753.2.

The foregoing provisions of this subdivision shall not apply in the event the cost of any modification or additions to the chassis or body of a vehicle is less than two hundred dollars ($200).

(e) The temporary attachment of any camper, as defined in Section 243 of the Vehicle Code, to a vehicle is not a modification or addition for the purposes of subdivision (d).

(f) The attachment to a vehicle of radiotelephone equipment furnished by a telephone corporation as defined in Section 234 of the California Public Utilities Code, is not a modification or addition for the purpose of subdivision (d), when such equipment is not owned by the owner of the vehicle.

(g) As used in this section, "suggested base price" means the retail price of the vehicle suggested by the manufacturer, plus destination charge and emission control devices as are required by Section 39129 of the Health and Safety Code, as reflected on the price listing affixed to the vehicle pursuant to the Federal Automobile Information Disclosure Act of 1958, but does not include the retail delivered price suggested by the manufacturer for each accessory or item of optional equipment physically attached to such vehicle at the time of its delivery to such dealer which is not included within, but is separately added to, the retail price of such vehicle as suggested by the manufacturer.

SEC. 3. Section 17253 of the Revenue and Taxation Code is amended to read:

17253 There shall be allowed as a deduction the following amounts, not compensated for by insurance or otherwise—

(a) The amount by which the amount of the expenses paid during the taxable year (reduced by any amount deductible under subdivision (b)) for medical care of the taxpayer, his spouse, and dependents (as defined in Section 17056) exceeds 3 percent of the adjusted gross income, and

(b) An amount (not in excess of one hundred fifty dollars ($150)) equal to one-half of the expenses paid during the taxable year for insurance which constitutes medical care for the taxpayer, his spouse, and dependents.

SEC. 4. Section 17834 of the Revenue and Taxation Code is amended to read:

17834. In the case of an installment obligation received by a decedent on the sale or other disposition of property, the income from which was properly reportable by the decedent on the installment basis under Sections 17577 to 17580, inclusive, if such obligation is acquired by the decedent's estate from the decedent or by any person by reason of the death of the decedent or by bequest, devise, or inheritance from the decedent—

(a) An amount equal to the excess of the face amount of such obligation over the basis of the obligation in the hands of the decedent (determined under Section 17580) shall, for the purpose of Section 17831, be considered as an item of gross income in respect of the decedent; and

(b) Such obligation shall, for purposes of Sections 17832 and 17833, be considered a right to receive an item of gross income in respect of the decedent, but the amount includible in gross income under Section 17832 shall be reduced by an

amount equal to the basis of the obligation in the hands of the decedent (determined under Section 17580).

SEC. 5. Section 23305 of the Revenue and Taxation Code is amended to read:

23305. Any taxpayer which has suffered the suspension or forfeiture provided for in Section 23301 or Section 23301.5 may be relieved therefrom upon making application therefor in writing to the Franchise Tax Board and upon payment of the tax and the interest and penalties for nonpayment of which the suspension or forfeiture occurred, together with all other taxes, deficiencies, interest and penalties due under this part, and upon the issuance by the Franchise Tax Board of a certificate of revivor. Application for such certificate on behalf of any domestic bank or corporation which has suffered such suspension may be made by any stockholder or creditor or by a majority of the surviving trustees or directors thereof; application for such certificate may be made by any foreign bank or corporation which has suffered such forfeiture or by any stockholder or creditor thereof.

SEC. 6. Section 24455 of the Revenue and Taxation Code is amended to read:

24455. (a) If a corporation redeems its stock (within the meaning of Section 24496(b)), and if paragraph (1), (2), (3) or (4) of subdivision (b) applies, such redemption shall be treated as a distribution in part or full payment in exchange for the stock.

(b) (1) Subdivision (a) shall apply if the redemption is not essentially equivalent to a dividend.

(2) (A) Subdivision (a) shall apply if the distribution is substantially disproportionate with respect to the shareholder.

(B) This paragraph shall not apply unless immediately after the redemption the shareholder owns less than 50 percent of the total combined voting power of all classes of stock entitled to vote.

(C) For purposes of this paragraph, the distribution is substantially disproportionate if—

(i) The ratio which the voting stock of the corporation owned by the shareholder immediately after the redemption bears to all of the voting stock of the corporation at such time, is less than 80 percent of—

(ii) The ratio which the voting stock of the corporation owned by the shareholder immediately before the redemption bears to all of the voting stock of the corporation at such time.

For purposes of this paragraph, no distribution shall be treated as substantially disproportionate unless the shareholder's ownership of the common stock of the corporation (whether voting or nonvoting) after and before redemption also meets the 80 percent requirement of the preceding sentence. For purposes of the preceding sentence, if there is more than one class of common stock, the determinations shall be made by reference to fair market value.

(D) This paragraph shall not apply to any redemption made pursuant to a plan the purpose or effect of which is a series of redemptions resulting in a distribution which (in the aggregate) is not substantially disproportionate with respect to the shareholder.

(3) Subdivision (a) shall apply if the redemption is in complete redemption of all of the stock of the corporation owned by the shareholder.

(4) Subdivision (a) shall apply if the redemption is of stock issued by a railroad corporation (as defined in Section 77(m) of the Bankruptcy Act, as amended) pursuant to a plan of reorganization under Section 77 of the Bankruptcy Act.

(5) In determining whether a redemption meets the requirements of paragraph (1), the fact that such redemption fails to meet the requirements of paragraph (2), (3), or (4) shall not be taken into account. If a redemption meets the requirements of paragraph (3) and also the requirements of paragraph (1), (2), or (4), then so much of subdivision (c)(2) as would (but for this sentence) apply in respect of the acquisition of an interest in the corporation within the 10-year period beginning on the date of the distribution shall not apply.

(c) (1) Except as provided in paragraph (2) of this subdivision, Section 24497(a) shall apply in determining the ownership of stock for purposes of this section.

(2) (A) In the case of a distribution described in subdivision (b)(3), Section 24497(a)(1) shall not apply if—

(i) Immediately after the distribution the distributee has no interest in the corporation (including an interest as officer, director, or employee), other than an interest as a creditor,

(ii) The distributee does not acquire any such interest (other than stock acquired by bequest or inheritance) within 10 years from the date of such distribution, and

(iii) The distributee, at such time and in such manner as the Franchise Tax Board by regulations prescribes, files an agreement to notify the Franchise Tax Board of any acquisition described in clause (ii) and to retain such records as may be necessary for the application of this paragraph.

If the distributee acquires such an interest in the corporation (other than by bequest or inheritance) within 10 years from the date of the distribution, then the periods of limitation provided in Chapter 20 and Chapter 23 on the making of an assessment and the collection by levy or a proceeding in court shall, with respect to any deficiency (including interest and additions to the tax) resulting from such acquisition, include one year immediately following the date on which the distributee (in accordance with regulations prescribed by the Franchise Tax Board) notifies the Franchise Tax Board of such acquisition; and such assessment and collection may be made notwithstanding any provision of law or rule of law which otherwise would prevent such assessment and collection.

(B) Subparagraph (A) of this paragraph shall not apply if—

(i) Any portion of the stock redeemed was acquired, directly or indirectly, within the 10-year period ending on the date of the distribution by the distributee from a person the ownership of whose stock would (at the time of distribution) be attributable to the distributee under Section 24497(a), or

(ii) Any person owns (at the time of the distribution) stock the ownership of which is attributable to the distributee under Section 24497(a) and such person acquired any stock in the corporation, directly or indirectly, from the distributee within the 10-year period ending on the date of the distribution, unless such stock so acquired from the distributee is redeemed in the same transaction.

The preceding sentence shall not apply if the acquisition (or, in the case of clause (ii), the disposition) by the distributee did not have as one of its principal purposes the avoidance of bank and corporation tax.

(d) Except as otherwise provided in this chapter, if a corporation redeems its stock (within the meaning of Section 24496 (b)), and if subdivision (a) of this section does not apply, such redemption shall be treated as a distribution of property to which Sections 24451 to 24454 applies.

SEC. 7. Section 25205 of the Revenue and Taxation Code is amended to read:

25205. Any overpayment in tax which results from the application of this article shall be credited or refunded as provided in this part. Notwithstanding the provisions of any statute of limitations, such credit or refund shall be made if claim therefor is filed within four years from the last day prescribed for filing the return or within two years from the date of payment, repayment, or offset described in Section 25201 or Section 25202, whichever is later.

CHAPTER 30

An act to add Sections 54919.1 and 54919.2 to the Government Code, relating to sanitation districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 8, 1969. Filed with Secretary of State April 8, 1969.]

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

SECTION 1. Section 54919.1 is added to the Government Code, to read:

54919.1. Notwithstanding any other provision of this chapter, any sanitation district formed under Chapter 3 (commencing with Section 4700) of Part 3 of Division 5 of the Health and Safety Code, which formation was completed between January 25, 1969, and February 15, 1969, shall be

deemed formed for assessment and taxation purposes for the 1969–1970 fiscal year if a statement and map or plat required by Section 54900 is filed on or before March 1, 1969.

SEC. 2. Section 54919.2 is added to the Government Code, to read:

54919.2. Notwithstanding any other provision of this chapter, the establishment of zones within any county service area under the provisions of Section 25210.8 of the Government Code, which establishment was completed between January 25, 1969 and April 1, 1969 shall be deemed formed for assessment and taxation purposes for the 1969–1970 fiscal year if a statement and map or plat required by Section 54900 is filed on or before April 10, 1969.

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

Unless this act takes effect immediately, sanitary districts and zones established within county service areas created after January 1, 1969, will be unable to levy taxes for the 1969–1970 fiscal year.

CHAPTER 31

An act to add Section 20.1 to the San Bernardino County Flood Control Act (Chapter 73 of the Statutes of 1939), relating to the San Bernardino County Flood Control District, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 8, 1969. Filed with Secretary of State April 8, 1969.]

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

SECTION 1. Section 20.1 is added to the San Bernardino County Flood Control Act (Chapter 73 of the Statutes of 1939), to read:

Sec. 20.1. Notwithstanding the provisions of Section 20, in the event the work consists of channel protection or maintenance work or emergency work necessary to protect life and property from impending flood damage, or the estimated cost of the work does not exceed the sum of ten thousand dollars ($10,000), the board of supervisors may, without advertising for bids therefor or requiring bonds, have said work done by day labor under the direction of the board or its designated agent, by contract, or by a combination of the two. The district shall have the power to acquire in the open market without advertising for bids therefor, materials, equipment and supplies for use in any work or for any other purpose; provided, however, that materials and supplies for use in any

new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds ten thousand dollars ($10,000) without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

This section shall be applicable only to the construction of, and the acquisition of materials, equipment, and supplies for, works in an area of the district which has been declared a disaster area by the Governor pursuant to Chapter 1 (commencing with Section 1500) of Division 7 of the Military and Veterans Code and which works are required to be done as a result of such disaster

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 has been extensive flooding in San Bernardino County resulting in considerable danger to persons and damage to property. Unless emergency flood control works are undertaken immediately there will be further flooding and damage. In order to enable the San Bernardino County Flood Control District to take effective action to protect against such danger of further flooding it is necessary that this act go into immediate effect.

CHAPTER 32

An act to add Section 18021.6 to the Government Code, relating to state compliance with the Federal Fair Labor Standards Act, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 9, 1969. Filed with Secretary of State April 9, 1969.]

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

SECTION 1. Section 18021.6 is added to the Government Code, to read:

18021.6. Notwithstanding any other provision of this chapter, the Personnel Board is authorized to provide for overtime payments as prescribed by the Federal Fair Labor Standards Act to state employees.

SEC. 2. There is hereby appropriated from the General Fund the sum of seven hundred seventy thousand dollars ($770,000) for the purpose of complying with the provisions of the Federal Fair Labor Standards Act for the period February 1, 1967, through June 30, 1969, to be allocated by the Department of Finance to the several state agencies in augmentation of their respective appropriations for support or for other purposes in such amounts as needed to comply with

Section 3 of this chapter, which shall be available through June 30, 1970. For those state officers and employees subject to the Fair Labor Standards Act whose compensation is payable from special funds, there is hereby appropriated from each special fund from which such officers or employees are paid an amount sufficient to provide additional compensation in accordance with the provisions of Section 3 of this chapter, which amount is to be made available by executive order of the Director of Finance in augmentation of their respective appropriations for support or for other purposes.

SEC. 3. A state employee covered by the provisions of the Fair Labor Standards Act who has worked overtime during the period February 1, 1967, through June 30, 1969, may file a claim for payment therefor with his appointing power in such form and manner and containing such information as prescribed by the State Personnel Board. The appointing power shall assist the employee in preparing such claim by furnishing the needed information available from its records.

Without limiting a right to file a claim or to take other action at a later date provided by any other statute, such claims may be filed on or before December 31, 1969, notwithstanding any earlier time limitations prescribed and any such time is extended to December 31, 1969.

Upon certification by the appointing power that the information contained on the claim is accurate and the overtime was worked by the employee, the Controller may pay the sum due the employee.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the peace, 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 Supreme Court has ruled that the Federal Fair Labor Standards Act is constitutional in its application to state governments. Under provisions of the law, the state is required to comply with the overtime provisions to those state employees entitled to such overtime compensation.

It is therefore necessary that this act take effect immediately in order that the provisions of the federal law may be applied equitably to all state employees to which the Fair Labor Standards Act applies.

CHAPTER 33

An act to amend Section 14 of the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), relating to the Kern County Water Agency, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 9, 1969. Filed with Secretary of State April 9, 1969.]

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

SECTION 1. Section 14 of the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961) is amended to read:

Sec. 14. If from any cause, the revenues of the agency shall be, or in the judgment of the board are likely to be, inadequate to pay the expenses, costs, liabilities and indebtedness of the agency, the board shall have the power, except as hereinafter provided, in any year to levy an ad valorem tax upon all taxable property in the agency to pay the costs and expenses of the agency to carry out the provisions of this act, except that the aggregate taxes or assessments levied for any one fiscal year shall not exceed five cents ($0.05) on each one hundred dollars ($100) of the assessed valuation of the taxable property in the agency; provided, that with respect to the Antelope Valley-East Kern Water Agency situated in Kern and Los Angeles Counties and to the Devils Den Water District situated in Kern and Kings Counties, as long as each such entity continues to have substantially the same powers as are now vested in it by law and has a valid contract with the State of California for a water supply from the State Water Resources Development System, the agency shall not levy any tax pursuant to this section upon any property which (a) is within the boundaries of such entity at the time of such levy and (b) is situated within the boundaries of such entity as they existed on January 1, 1969.

The foregoing limitations shall be exclusive of any tax levied pursuant to Sections 14.1, 14.2, 14.13, 15, 15.9, 16 and 17 of this act.

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:

Territory of the Antelope Valley-East Kern Water Agency and of the Devils Den Water District overlaps territory of the Kern County Water Agency, and residents of such overlapping areas are subject to tax levies for essentially the same purposes by both of the entities in which they reside. This act would alleviate any injustices resulting from this situation but could not affect tax levies during the current year unless it goes into effect prior to the date of such tax levies. In order, therefore, to avoid hardship on the residents of such overlapping areas as a result of the levy of such taxes during the current year, it is necessary that this act go into immediate effect.

CHAPTER 34

An act to add Section 38 to the Mojave Water Agency Law (Chapter 2146 of the Statutes of 1959), relating to the Mojave Water Agency, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 9, 1969. Filed with Secretary of State April 9, 1969]

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

SECTION 1. Section 38 is added to the Mojave Water Agency Law (Chapter 2146 of the Statutes of 1959), to read:

Sec. 38. For the purpose of paying the variable costs of purchasing up to 10,000 acre-feet of water from the State Water Resources Development System per year under the contract entered into by the agency and the State of California dated June 22, 1963, as such variable costs are defined in said contract, and in accordance with the provisions of this act, the agency may establish a zone of benefit within that area contiguous to the Mojave River and within which the use of water affects or is affected by the natural available water supply of the Mojave River system, for which said zone of benefit shall be subject to a tax levy pursuant to the limitations and conditions hereinafter stated.

The proceeding to establish such a zone of benefit shall be initiated by a notice of intention to establish such a zone which shall be published, pursuant to Section 6066 of the Government Code, in a newspaper of general circulation published within the area of the proposed zone of benefit, if there is one, and, if not, then in such a newspaper published within the agency and which shall be mailed to each person to whom any parcel or parcels of real property embraced within such proposed zone of benefit is assessed on the last equalized assessment roll available on the date the notice of intention is prepared, at the address shown on such assessment roll or as known to the secretary of the agency.

Such notice of intention shall describe the area to be embraced within the proposed zone of benefit with sufficient clarity so that affected property owners may determine which of their lands, if any, are within such zone, shall state in general terms the reasons for the proposal to create such zone of benefit, and shall fix a time and place for a public hearing thereon.

At any time not later than the hour set for such public hearing, any owner of property within the proposed zone of benefit may file a written request for exclusion of his property, or any portion thereof, from such zone of benefit. Such request shall state the name of the owner of the property affected and the street address or other description of the property sufficient to identify it on the last equalized assessment roll. A request for exclusion may be made on behalf of the owner by an agent

authorized in writing by the owner to act as agent with respect to such property, provided that a request made on behalf of a private corporation which is an owner of property may be made by any officer or employee of the corporation without such written authorization.

At the time and place stated in such notice the board shall hold such public hearings, at which all interested parties may appear and make protests, orally or in writing, against the creation of such proposed zone of benefit and at which owners who have filed requests for exclusion of their property from the proposed zone of benefit in accordance with the preceding paragraph of this section may be heard in support of such requests for exclusion. At the conclusion of such hearing the board of the agency shall either (a) terminate the proceedings, (b) establish the zone of benefit with the boundaries set forth in the notice of intention, or (c) eliminate lands from the proposed zone found not to be benefited by inclusion therein, and establish a zone modified as to area by reason of such elimination. The board shall not include any lands within the zone of benefit not included within the area of the proposed zone as contained in the notice of intention.

The board shall make specific findings as to whether or not property as to which a request for exclusion has been filed shall be included within the zone of benefit and shall exclude from such zone any such lands which the board finds will not be benefited by inclusion therein. In determining whether or not such lands will be benefited by inclusion in such zone the board shall take into account the following: (a) the condition of the local natural supply of water within such zone of benefit, (b) the availability of water from the State Water Resources Development System to supplement the supply of water within such zone of benefit, (c) the economic benefit to such lands resulting from a water supply being made available under the state contract, (d) the nature, topography and use of such lands, and (e) whether such lands can receive water either directly or through improvement in water supply by reason of such importation.

If such zone of benefit is created, the agency may annually thereafter levy an ad valorem tax upon the property within such zone of benefit, excluding personal property, in such amounts as shall pay for the variable costs of acquiring water under the state contract, up to, but not to exceed, 10,000 acre-feet per year.

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

An adjudication of substantially all of the water rights on the Mojave River is pending before the courts, and a proposed settlement of that lawsuit is dependent on the enactment of this measure, which gives the board of directors of the agency

the power to create a zone of benefit for the purpose of implementing the agreement among water users. Unless the agency has the power to create such a zone of benefit, a delay in the proposed settlement could cost the water users in the Mojave River area substantial sums of money, as well as jeopardize an agreement that is the product of three years of concentrated negotiations among those selfsame water users.

CHAPTER 35

An act to add Section 5030.1 to the Education Code, relating to the holding of classes at San Francisco airport and county jail.

[Approved by Governor April 16, 1969 Filed with Secretary of State April 16, 1969]

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

SECTION 1. Section 5030.1 is added to the Education Code, to read:

5030.1. The governing board of a unified school district coterminous with the boundaries of a city and county, may conduct classes at the airport and at the county jail which are owned and operated by the city and county, outside of the boundaries of the school district.

CHAPTER 36

An act to add Section 27361.2 to the Government Code, relating to recording fees.

[Approved by Governor April 22, 1969 Filed with Secretary of State April 22, 1969]

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

SECTION 1. Section 27361.2 is added to the Government Code, to read:

27361.2. Whenever any instrument, paper, or notice is recorded which contains references to more than one previously recorded document and which requires additional indexing by the county recorder to give notice required by law an additional fee of one dollar ($1) shall be charged for each reference to a previously recorded document, other than the first such reference, requiring additional indexing.

CHAPTER 37

An act to maintain the Corporations Code by amending Section 819, relating to corporation directors.

[Approved by Governor April 22, 1969 Filed with Secretary of State April 22, 1969.]

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

SECTION 1. Section 819 of the Corporations Code is amended to read:

819. (a) If a corporation has an even number of directors who are equally divided and cannot agree as to the management of its affairs, so that its business cannot longer be conducted to advantage or so that there is danger that its property and business will be impaired and lost, the superior court of the county where the principal office of the corporation is located may, notwithstanding any provisions of the articles or bylaws of the corporation and whether or not an action is pending for an involuntary winding up or dissolution of the corporation, appoint a provisional director pursuant to this section.

Action for such appointment may be filed by one-half of the directors or by the holders of not less than 33⅓ percent of the outstanding shares.

(b) The provisional director shall be an impartial person, who is neither a shareholder nor a creditor of the corporation, nor related by consanguinity or affinity within the third degree to any of the other directors of the corporation, or to any judge of the court by which he is appointed. The provisional director shall have all the rights and powers of a director, and shall be entitled to notice of the meetings of the board of directors and to vote at such meetings, until the deadlock in the board of directors is broken or until he is removed by order of the court or by vote or written consent of the holders of a majority of the voting shares. He shall be entitled to receive such compensation as may be agreed upon between him and the corporation, and in the absence of such agreement he shall be entitled to such compensation as shall be fixed by the court.

This section does not apply to corporations subject to the Banking Law, the Public Utilities Act, or the Savings and Loan Association Law.

CHAPTER 38

An act to repeal Sections 68808 and 69109 of the Government Code, and to add Section 1508 to the Penal Code, relating to habeas corpus.

[Approved by Governor April 22, 1969 Filed with Secretary of State April 22, 1969.]

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

SECTION 1. Section 68808 of the Government Code is repealed.

SEC. 2. Section 69109 of the Government Code is repealed.

SEC. 3. Section 1508 is added to the Penal Code, to read:

1508. (a) A writ of habeas corpus issued by the Supreme Court or a judge thereof may be made returnable before the issuing judge or his court, before any court of appeal or judge thereof, or before any superior court or judge thereof.

(b) A writ of habeas corpus issued by a court of appeal or a judge thereof may be made returnable before the issuing judge or his court or before any superior court or judge thereof located in that appellate district.

(c) A writ of habeas corpus issued by a superior court or a judge thereof may be made returnable before the issuing judge or his court.

CHAPTER 39

An act to maintain the codes by amending Section 14808.5 of the Government Code, and by amending Sections 1661, 2104, 4766, 6491.2, 12091, 12503, and 25845, of, by amending and renumbering the heading of Article 4 (commencing with Section 13180) of Chapter 1 of Part 2 of Division 12, and Sections 13180 as added by Chapter 1127, Statutes of 1967, 13181 as added by Chapter 1127, Statutes of 1967, 13182 as added by Chapter 1127, Statutes of 1967, 13183 as added by Chapter 1127, Statutes of 1967, 39200 as added by Chapter 765, Statutes of 1968, 39201 as added by Chapter 765, Statutes of 1968, 39202, 39203, 39204, and 39205 of, by adding an article heading immediately preceding Section 429.11 of, by repealing Sections 4786.6, 4794.1, 4794.2, 4794.5, 8560.1, 13025.5 and 32135 of, and by repealing the heading of Chapter 2 (commencing with Section 7550) of Part 2 of Division 7 of, the Health and Safety Code, relating to health and safety.

[Approved by Governor April 22, 1969. Filed with Secretary of State April 22, 1969.]

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

SECTION 1. Section 14808.5 of the Government Code is amended to read:

14808.5. Except for motor vehicles described in Section 39255 of the Health and Safety Code, the provisions of Chapter 5 (commencing with Section 39250) of Part 1 of Division 26 of the Health and Safety Code shall govern the purchase of all motor vehicles by the state to the extent that the Department of General Services determines that such low-emission vehicles are reasonable to meet state needs pursuant to Section 39204 of the Health and Safety Code.

In the purchasing of the motor vehicles described in Section 39255 of the Health and Safety Code and in purchasing motor vehicles for the state when the Department of General Services has determined there are no low-emission motor vehicles which meet the requirements of Section 39253, Section 14808.1 shall govern the purchase of motor vehicles by the state.

SEC. 1.5. An article heading is added immediately preceding Section 429.11 of the Health and Safety Code, to read:

Article 13. Occupational Health and Disease Prevention

SEC. 2. Section 1661 of the Health and Safety Code is amended to read:

1661. The provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code, shall be applicable to all the rules and regulations promulgated by the department under the provisions of this chapter.

SEC. 3. Section 2104 of the Health and Safety Code is amended to read:

2104. Whenever the director finds that psittacosis, or any other diseases transmissible to man from pet birds, have become a public health hazard to the extent that control measures are necessary or desirable, the board shall adopt such additional regulations as it deems necessary for the public health, which regulations shall apply to all pet birds whether or not of a species otherwise regulated under this chapter. Such regulations shall be adopted pursuant to Section 2105 and in accordance with Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code.

SEC. 4. Section 4766 of the Health and Safety Code is amended to read:

4766. The district board may adopt ordinances to carry out the provisions of Sections 5473 to 5473.11, inclusive, of the Health and Safety Code and this chapter; the procedure for the adoption of said ordinances shall be the same as is provided for in Article 7 (commencing with Section 25120), Chapter 1, Part 2, Division 2, Title 3 of the Government Code for counties. In the absence of county or city regulation, the district board may also adopt ordinances for the purpose of exercise and effect of any of its powers, or for the purposes for which it was formed. Any ordinance adopted by the district board shall impose restrictions equal to or greater than those imposed by the State Housing Law, Part 1.5 (commencing with Section 17910), Division 13 of this code, and the rules and regulations promulgated pursuant thereto by the Commission of Housing and Community Development. A violation of a regulation or ordinance of a district is a misdemeanor, punishable by a fine of not to exceed one hundred dollars ($100), imprisonment not to exceed 30 days, or both.

SEC. 5. Section 4786.6 of the Health and Safety Code is repealed.

SEC. 6. Section 4794.1 of the Health and Safety Code is repealed.

SEC. 7. Section 4794.2 of the Health and Safety Code is repealed.

SEC. 8. Section 4794.5 of the Health and Safety Code is repealed.

SEC. 9. Section 6491.2 of the Health and Safety Code is amended to read:

6491.2. The district board may, by general regulation, adopt a code by reference in the same manner as legislative bodies of local agencies are authorized to adopt primary and secondary codes by reference pursuant to Section 50022.1 to 50022.8, inclusive, of the Government Code, and for the purposes of such sections of the Government Code the district board shall be deemed a legislative body and the district shall be deemed a local agency.

Any code adopted by the district board, by reference, shall impose restrictions equal to or greater than those imposed by the State Housing Law, Part 1 5 (commencing with Section 17910), Division 13 of this code, and the rules and regulations promulgated pursuant thereto by the Commission of Housing and Community Development.

No penalty clauses or sanctions contained in any code adopted by reference pursuant to this section shall be effective.

Every person who violates any provision of a general regulation adopted pursuant to this section or of a code adopted by reference in such general regulation is guilty of a misdemeanor.

SEC. 10. The heading of Chapter 2 (commencing with Section 7550) of Part 2, Division 7 of the Health and Safety Code is repealed.

SEC. 11. Section 8560.1 of the Health and Safety Code is repealed.

SEC. 12. Section 12091 of the Health and Safety Code is amended to read:

12091. Electric blasting caps or electric detonators shall not be transported upon any vehicle equipped with a two-way radio unless such devices have been tested and proved safe for such transportation by a laboratory approved by the State Fire Marshal.

SEC. 13. Section 12503 of the Health and Safety Code is amended to read:

12503. "Dangerous fireworks" includes any of the following:

Pyrotechnics or fireworks containing phosphorus, 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. 14. Section 13025.5 of the Health and Safety Code is repealed.

SEC. 15. The heading of Article 4 (commencing with Section 13180) of Chapter 1, Part 2, Division 12 of the Health and Safety Code is amended and renumbered to read:

Article 3. Administration

SEC. 16. Section 13180 of the Health and Safety Code as added by Chapter 1127, Statutes of 1967, is amended and renumbered to read:

13150. For purposes of this article, "flammable liquids" shall mean any liquid having a flash point below 200° F as determined in accordance with Section 324 of the Vehicle Code. The provisions of this article also apply to liquids having a flash point of 200° F or higher when such liquids, upon being heated, assume the characteristics of a flammable liquid.

SEC. 17. Section 13181 of the Health and Safety Code as added by Chapter 1127, Statutes of 1967, is amended and renumbered to read:

13151. The State Fire Marshal shall prepare and adopt regulations in accordance with the provisions of the Administrative Procedure Act (commencing with Section 11370) of the Government Code, which in his judgment are designed to

promote the safe use of portable internal combustion engine-driven pumps used for the transfer of flammable liquids.

SEC. 18. Section 13182 of the Health and Safety Code as added by Chapter 1127, Statutes of 1967, is amended and renumbered to read:

13152. The authority for the enforcement of the provisions of this article shall be in accordance with Sections 13145 and 13146, Health and Safety Code.

SEC. 19. Section 13183 of the Health and Safety Code as added by Chapter 1127, Statutes of 1967, is amended and renumbered to read:

13153. No person, firm, or corporation shall use, permit, or instruct any other person to use or permit, any portable internal combustion engine-driven pump used for the transfer of any flammable liquids unless such pump conforms to the regulations adopted by the State Fire Marshal.

SEC. 20. Section 25845 of the Health and Safety Code is amended to read:

25845. (a) In any proceeding under this chapter for granting or amending any license; or for determining compliance with, or granting exceptions from, rules and regulations promulgated in accordance with this chapter, the department shall afford an opportunity for a hearing on the record upon the request of any person whose interest may be affected by the proceeding, and shall admit any such person as a party to such proceeding.

(b) Proceedings for the suspension or revocation of licenses under this chapter shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code, and the department shall have all the powers granted therein.

(c) The adoption, repeal, or amendment of rules and regulations pursuant to this chapter shall be accomplished in conformity with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code.

SEC. 21. Section 32135 of the Health and Safety Code is repealed.

SEC. 22. Section 39200 of the Health and Safety Code as added by Chapter 765, Statutes of 1968, is amended and renumbered to read:

39250. The Legislature finds and declares that emission of pollutants from motor vehicles is a major contributor to air pollution within the State of California and, therefore, declares its policy to encourage the development and testing of various types of low-emission motor vehicles, which would contribute substantially to achieving a pure and healthy atmosphere for the people of this state.

SEC. 23. Section 39201 of the Health and Safety Code as added by Chapter 765, Statutes of 1968, is amended and renumbered to read:

39251. As used in this chapter "low-emission motor vehicle" shall mean a self-propelling vehicle which does not have exhaust emissions of more than .5 gram per mile of hydrocarbons, 11 grams per mile of carbon monoxide, and .75 gram per mile of oxides of nitrogen.

SEC. 24. Section 39202 of the Health and Safety Code is amended and renumbered to read:

39252. Low-emission motor vehicles shall be submitted to the board for testing to determine if such vehicle meets the standards set forth in Section 39251.

SEC. 25. Section 39203 of the Health and Safety Code is amended and renumbered to read:

39253. After determining that the low-emission motor vehicle meets the standards prescribed by Section 39251, the Department of General Services in consultation with the board shall determine if the low-emission motor vehicle meets all of the following requirements:

(a) Such vehicle can be manufactured in sufficient numbers for the purpose of proper evaluation.

(b) Such vehicle meets the performance needs for state vehicles.

(c) The cost of such vehicle does not exceed by more than 100 percent the average cost of state passenger vehicles purchased in the preceding fiscal year.

(d) If such vehicle is purchased by the state there would be a sufficient number of servicing and maintenance outlets.

(e) The average servicing and maintenance costs for a low-emission vehicle are comparable to the average servicing and maintenance costs for all other state passenger vehicles, but in no event shall the average servicing and maintenance costs for the low-emission vehicle exceed the average costs of servicing and maintaining all other state passenger vehicles by more than 50 percent.

SEC. 26. Section 39204 of the Health and Safety Code is amended and renumbered to read:

39254. If a low-emission motor vehicle meets the requirements of this chapter, the state shall, if funds are appropriated for the purpose of purchasing such low-emission motor vehicles, purchase, beginning with the next fiscal year, as many of such low-emission motor vehicles as the Department of General Services determines are reasonable to meet state needs and which are in accordance with manufacturing capability, performance, cost, servicing, and maintenance of such vehicles. If a sufficient number of low-emission vehicles are available, the percentage of all such vehicles to be purchased in that year shall not be less than 25 percent of all motor vehicles purchased by the state in the preceding fiscal year.

SEC. 27. Section 39205 of the Health and Safety Code is amended and renumbered to read:

39255. The provisions of this chapter shall not apply to the following vehicles:

(a) Patrol cars of the Department of the California Highway Patrol.

(b) Any motor vehicle classified as a special-purpose vehicle by the Department of General Services.

CHAPTER 40

An act to amend Section 72759 of the Government Code, relating to jury and traffic commissioners and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 22, 1969. Filed with Secretary of State April 22, 1969.]

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

SECTION 1. Section 72759 of the Government Code is amended to read:

72759. The jury and traffic commissioner shall meet the provisions of Section 72190 relating to qualifications and shall receive an annual salary equal to that provided by law for Commissioners of the Municipal Court, Los Angeles Judicial District. He shall be a member of any retirement system which includes clerks and deputy clerks of said court. The requirements relating to qualifications do not apply to any jury and traffic commissioner who was an incumbent on January 1, 1957.

Any jury and traffic commissioner who has been appointed from the staff of court clerks shall continue to be the clerk or deputy clerk of the judicial district in such position as he has theretofore been appointed without additional compensation.

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 persons who meet the qualifications for jury and traffic commissioner to be compensated for their services, this act must take effect immediately.

CHAPTER 41

An act to maintain the Agricultural Code by amending Sections 6723, 16003, and repealing Section 18713, relating to agriculture.

[Approved by Governor April 22, 1969. Filed with Secretary of State April 22, 1969.]

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

SECTION 1. Section 6723 of the Agricultural Code is amended to read:

6723. The minimum license fee shall be established by the director at an amount not to exceed thirty dollars ($30).

The director may fix the minimum license fee at an amount which is less than thirty dollars ($30) and may adjust the license fee if, after investigation and due notice, he finds that the cost of administering the provisions of this division and Chapter 5 (commencing with Section 53301) of Division 18, which relate to nursery stock can be defrayed from revenues which are derived from such license fee in combination with such sums as are provided by Sections 435 and 5822.

To the amount of the minimum license fee which is established by the director shall be added, as an additional license fee, an equal sum for each branch salesyard, store, or sales location which is owned and operated by the applicant in the state.

SEC. 2. Section 16003 of the Agricultural Code is amended to read:

16003. "Food stores" means fruits, vegetables, or animal products which are carried as stores of vessels and aircraft and includes fruits, vegetables, or animal products which are carried in passengers' and crews' quarters.

SEC. 3. Section 18713 of the Agricultural Code is repealed.

CHAPTER 42

An act to amend Section 2248 of the Health and Safety Code, relating to mosquito abatement districts.

[Approved by Governor April 22, 1969. Filed with Secretary of State April 22, 1969.]

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

SECTION 1. Section 2248 of the Health and Safety Code is amended to read:

2248. The members of the district board shall serve without compensation; but the necessary expenses of each member for actual traveling in connection with meetings or business of the board shall be allowed and paid. In lieu of expenses the district board may by resolution provide for the allowance and payment to the members of the board of a sum not exceeding thirty-five dollars ($35) per month per member for expenses incurred in attending business meetings of the board.

CHAPTER 43

An act to maintain the Penal Code by amending Sections 602, 853.9, 4800, 11107, and 11113, relating to crimes and punishment.

[Approved by Governor April 22, 1969. Filed with Secretary of State April 22, 1969.]

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

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

602. Every person who willfully commits any trespass by either:

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

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

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

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

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

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

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

(h) Willfully opening, tearing down, or otherwise destroying any fence on the enclosed land of another, or opening any gate, bar, or fence of another and willfully leaving it open without the written permission of the owner, or mali-

ciously tearing down, mutilating, or destroying any sign, signboard, or other notice forbidding shooting on private property; or

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

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

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

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

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

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

(4) Discharging any firearm;

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

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

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

is guilty of a misdemeanor.

SEC. 2. Section 853.9 of the Penal Code is amended to read:

853.9. (a) Whenever written notice to appear has been prepared, delivered, and filed with the court pursuant to the provisions of Section 853.6 of this code, an exact and legible duplicate copy of the notice when filed with the magistrate, in lieu of a verified complaint, shall constitute a complaint to which the defendant may plead "guilty" or "nolo contendere."

If, however, the defendant violates his promise to appear in court, or does not deposit lawful bail, or pleads other than "guilty" or "nolo contendere" to the offense charged, a complaint shall be filed which shall conform to the provisions of this code and which shall be deemed to be an original complaint; and thereafter proceedings shall be had as provided by law, except that a defendant may, by an agreement in writing, subscribed by him and filed with the court, waive the filing of a verified complaint and elect that the prosecution may proceed upon a written notice to appear.

(b) Notwithstanding the provisions of subdivision (a) of this section, whenever the written notice to appear has been prepared on a form approved by the Judicial Council, an exact and legible duplicate copy of the notice when filed with the magistrate shall constitute a complaint to which the defendant may enter a plea and, if the notice to appear is verified, upon which a warrant may be issued. If the notice to appear is not verified, the defendant may, at the time of arraignment, request that a verified complaint be filed.

SEC. 3. Section 4800 of the Penal Code is amended to read.

4800. The general authority to grant reprieves, pardons and commutations of sentence is conferred upon the Governor by Section 8 of Article V of the Constitution of the State of California.

SEC. 4. Section 11107 of the Penal Code is amended to read:

11107. Each sheriff, chief of police and city marshal shall furnish to the bureau daily reports on standard forms to be prepared by the bureau listing all violations of Sections 314, 647a, subdivision (a) or (d) of Section 647, and any offense involving lewd and lascivious conduct under Section 272, and all felonies committed in his jurisdiction, describing the nature and character and noting all peculiar circumstances of each such crime together with any additional or supplemental data or information including all statements and conversations of persons arrested, and listing any crime theretofore reported which may be of aid in the investigation of such crime and the apprehension and conviction of the perpetrators thereof.

SEC. 5. Section 11112 of the Penal Code is amended to read:

11112. The first agency to receive a person for booking after his arrest shall furnish the bureau daily copies of fingerprints on standardized eight- by eight-inch cards, and descriptions of: (a) all persons who have been arrested for the commission of any offense defined in Section 266, 267, 268, 285,

286, 288, 288a, 314, 647a, subdivision (a) or (d) of Section 647, subdivision 3 or 4 of Section 261, or of any offense involving lewd and lascivious conduct under Section 272; (b) all persons arrested who in the best judgment of any such officer are wanted for serious crimes, or are fugitives from justice; (c) all persons in whose possession at the time of arrest are found goods or property reasonably believed by any such officers to have been stolen by them; (d) all persons in whose possession are found burglar outfits or burglar keys or who have in their possession high-power explosives reasonably believed to be used or intended to be used for unlawful purposes; (e) all persons who are in possession of infernal machines, bombs or other contrivances in whole or in part and reasonably believed by any said officer to be used or intended to be used for unlawful purposes; (f) all persons who carry concealed firearms or other deadly weapons which are reasonably believed to be carried for unlawful purposes; (g) all persons who have in their possession inks, dye, paper or other articles necessary in the making of counterfeit banknotes, or in the alteration of banknotes, checks, drafts or other instruments of credit; or dies, molds or other articles necessary in the making of counterfeit money, and reasonably believed to be used or intended to be used by them for such unlawful purposes.

CHAPTER 44

An act to amend Section 1952.2 of the Code of Civil Procedure, relating to evidence.

[Approved by Governor April 22, 1969. Filed with Secretary of State April 22, 1969.]

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

SECTION 1. Section 1952.2 of the Code of Civil Procedure is amended to read:

1952.2. Upon a judgment becoming final, at the expiration of the appeal period, unless an appeal is pending, the court, in its discretion, and on its own motion by a written order signed by the judge, filed in the action, and an entry thereof made in the register of actions, may order the clerk to return all of the exhibits and depositions introduced or filed in the trial of a civil action or proceeding to the attorneys for the parties introducing or filing the same.

CHAPTER 45

An act to amend Section 8209 of the Government Code, relating to notaries public.

[Approved by Governor April 22, 1969 Filed with Secretary of State April 22, 1969.]

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

SECTION 1. Section 8209 of the Government Code is amended to read:

8209. If any notary public dies, resigns, is disqualified, removed from office, or allows his appointment to expire without obtaining reappointment within 30 days, his records and all his public papers shall be delivered to the clerk of the county in which his principal place of business is located within 30 days. After 10 years from the date of deposit with the county clerk, if no request for, or reference to such records has been made, they may be destroyed upon order of court.

CHAPTER 46

An act to amend Section 361 of the Probate Code, relating to the probating of foreign wills.

[Approved by Governor April 22, 1969 Filed with Secretary of State April 22, 1969]

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

SECTION 1. Section 361 of the Probate Code is amended to read:

361. The executor or any person interested in the will may file a copy of the will and of the order or decree admitting it to probate, or other evidence of its establishment or proof in accordance with the laws of the other state or country, if such copy or other evidence satisfies the requirements of Article 2 (commencing with Section 1530) of Chapter 2 of Division 11 of the Evidence Code, together with his petition for letters. Notice shall be given and the same proceedings had as in the case of an original petition for the probate of a will.

CHAPTER 47

An act to amend Section 8276 of the Fish and Game Code, relating to the taking of crabs.

[Approved by Governor April 22, 1969 Filed with Secretary of State April 22, 1969]

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

SECTION 1. Section 8276 of the Fish and Game Code is amended to read:

8276. Notwithstanding any other provisions of this code or any regulations made pursuant to this code:

(a) Crabs may be taken in Districts 6, 7, 8, and 9 only between December 1st and July 15th.

(b) Crabs may be taken in all other districts only between the second Tuesday in November and June 30th.

(c) Crabs may not be taken for commercial purposes in any district or part of a district lying within the portions of Crescent City Harbor between the south sand barrier and the breakwater.

CHAPTER 48

An act to amend Section 1952.3 of the Code of Civil Procedure, relating to exhibits and depositions.

[Approved by Governor April 22, 1969 Filed with Secretary of State April 22, 1969.]

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

SECTION 1. Section 1952.3 of the Code of Civil Procedure is amended to read:

1952.3. Notwithstanding any other provision of the law, the court, on its own motion, may order destroyed or otherwise disposed of any exhibit or deposition introduced in the trial of a civil action or proceeding or filed in such action or proceeding which, if appeal has not been taken from the decision of the court in the said action or proceeding, remains in the custody of the court or clerk five years after time for appeal has expired, or, if appeal has been taken, remains in the custody of the court or clerk five years after final determination thereof or which remains in the custody of the court or clerk for a period of five years after:

(a) A motion for a new trial has been granted and a memorandum to set the case for trial has not been filed or a motion to set for trial has not been made within such five years;

(b) The filing of the remittitur where the action or proceeding, after appeal, has been remanded to the trial court for a new trial and the same has not been brought to trial within five years from the date of filing the remittitur;

(c) The dismissal of such action or proceeding;

(d) The introduction or filing thereof where there is no provision for the destruction or other disposition of such exhibit or deposition and where in the discretion of the court the same should be destroyed or otherwise disposed of.

The order shall be entered in the register of actions of each case in which any such order is made.

CHAPTER 49

An act to amend Section 11526 of, and to add Section 4019 to, the Insurance Code, relating to mutual insurers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 22, 1969 Filed with Secretary of State April 22, 1969.]

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

SECTION 1. Section 4019 is added to the Insurance Code, to read:

4019. This chapter does not apply to a mutual insurer which has completed proceedings for voluntary mutualization pursuant to Chapter 13 (commencing with Section 11525) of Part 2 of Division 2 of this code, nor does it apply to a mutual insurer which has converted to a mutual legal reserve insurer pursuant to former Chapter 9 (commencing with Section 10810) of Part 2 of Division 2 of this code.

SEC. 2. Section 11526 of the Insurance Code is amended to read:

11526. Such plan shall include appropriate proceedings for amending the insurer's articles of incorporation to give effect to the acquisition, by said insurer, for the benefit of its policyholders or any class or classes thereof, of the outstanding shares of its capital stock and the conversion of the insurer from a stock corporation into a nonstock corporation for the benefit of its members. The members of such nonstock corporation shall be the policyholders from time to time of the class or classes for whose benefit the stock of the insurer was acquired, and the policyholders of such other class or classes as may be specified in such corporation's articles of incorporation as they may be amended from time to time. Such plan shall be:

(a) Adopted by a vote of a majority of the directors.

(b) Approved by the vote of the holders of at least a majority of the outstanding shares at a special meeting of shareholders called for that purpose, or by the written consent of such shareholders.

(c) Submitted to the commissioner and approved by him in writing.

(d) Approved by a majority vote of all the policyholders of the class or classes for whose benefit the stock is to be acquired voting at an election by the policyholders called for that purpose, subject to the provisions of Section 11528. The terms "policyholder" and "policyholders" as used in this chapter shall be deemed to mean the person or persons insured under an individual policy of life insurance, or of disability insurance, or of any combination of life and disability insurance. They shall also include the person or persons to whom any annuity or pure endowment is presently or prospectively payable by the terms of an individual annuity or pure endowment contract, except where the policy or contract declares some other person to be the owner or holder thereof, in which case such other person shall be deemed the policyholder. In any case where such policy or contract names two or more persons as joint insureds, payees, owners or holders thereof, the persons so named shall be deemed collectively to be but one policyholder for the purpose of this chapter. In any case where a policy or contract shall have been assigned by assignment absolute on its face to an assignee other than the insurer, and

such assignment shall have been filed at the principal office of the insurer at least 30 days prior to the date of any election or meeting referred to in this chapter, then such assignee shall be deemed at such election or meeting to be the policyholder. For the purpose of this chapter the terms "policyholder" and "policyholders" include the employer to whom, or a president, secretary or other executive officer of any corporation or association to which a master group policy has been issued, but exclude the holders of certificates or policies issued under or in connection with a master group policy. Beneficiaries under unmatured contracts shall not as such be deemed to be policyholders.

(e) Filed in the office of the Insurance Commissioner after having been approved as provided in subdivisions (b), (c) and (d) of this section.

SEC. 3. The addition of Section 4019 to the Insurance Code by Section 1 of this act does not constitute a change in, but is declaratory of, the existing law.

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

The Insurance Code contains limitations which might be held applicable to those mutual insurers specified in Section 1 of this act and which if applicable would on merger of a domestic insurer with a foreign insurer make it necessary for the domestic insurer to be the disappearing corporation in such merger with the domicile of the surviving corporation in a state other than California. The Insurance Code further contains limitations on the membership of a nonstock corporation incompatible with the provisions for membership in many states other than California. By reason of the existence of additional classes of members in a foreign insurer it would be necessary on merger for a domestic insurer to be the disappearing corporation in such merger with the domicile of the surviving corporation in a state other than California. The state and its citizens have a significant interest in maintaining a California domicile of insurance companies now domiciled in this state. Such interest will include the maintenance of tax revenues and employment opportunities in the state. The benefits to California cannot only be maintained but also increased by encouraging the growth of domestic insurers through merger with foreign insurers. The choice of California as the domicile of a merged insurance company will also operate to enhance the business and economic reputation of the state. The removal of unnecessary and restrictive limitations from the Insurance Code is urgently required in order that California domicile may be retained.

CHAPTER 50

An act to amend Sections 51520 and 51562 of the Government Code, relating to local tax administration, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 23, 1969. Filed with Secretary of State April 23, 1969.]

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

SECTION 1. Section 51520 of the Government Code is amended to read:

51520. Notwithstanding any provisions of this article relating to compensation paid to the county for assessing and collecting taxes for a city, the board of supervisors of a county may, upon a finding of public interest, perform such assessment and collection services for a city without compensation from such city; provided, that, in a county having a population of 4,000,000 or more, the county shall perform such assessment and collection services for a city without compensation from such city.

SEC. 2. Section 51562 of the Government Code is amended to read:

51562. Notwithstanding any provision of this article relating to compensation paid to the county for assessing and collecting taxes for a city, the board of supervisors of a county may, upon a finding of public interest, perform such assessment and collection services for a city without compensation from such city; provided, that, in a county having a population of 4,000,000 or more, the county shall perform such assessment and collection services for a city without compensation from such city.

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

Equality and uniformity have always been the constitutional and statutory goals of property taxation in this state and, as political subdivisions of this state, counties have always been instrumental in carrying out the state's general policies. The Legislature has in the past promoted the policy of equality and uniformity in property taxation by encouraging the consolidation of local assessing functions in the hands of each county assessor's office. In order to further encourage such consolidation for the benefit of both county and city taxpayers at the earliest possible time, it is necessary that this act go into immediate effect.

SEC. 4. Notwithstanding the provisions of Section 3 of this act, the provisions of this act shall be operative on and after July 1, 1969.

CHAPTER 51

An act to amend Sections 19504 and 19507 of the Revenue and Taxation Code, relating to senior citizens property tax assistance.

[Approved by Governor April 23, 1969. Filed with Secretary of State April 23, 1969.]

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

SECTION 1. Section 19504 of the Revenue and Taxation Code is amended to read:

19504. "Homestead" means a dwelling and so much of the land surrounding it, not exceeding one acre, as is reasonably necessary for use of the dwelling as a home, owned by the claimant, the claimant and his spouse, or by the claimant and some other individual. It shall also include premises occupied by reason of ownership in a cooperative housing corporation (as defined in Section 17265), mobilehomes which are assessed as realty for local property tax purposes and the land on which situated, houseboats, and other similar living accommodations, as well as a part of a multidwelling or multipurpose building and a part of the land upon which it is built. It shall also include premises occupied by reason of the claimant's ownership of a dwelling located on land owned by a nonprofit incorporated association, of which the claimant is a member, when such association requires the claimant to pay a pro rata share of the property taxes levied against the association's land. It shall also include premises occupied by a claimant wherein he is required by law to pay a property tax by reason of his ownership (including a possessory interest) in the dwelling, the land, or both. (Owned includes a vendee in possession under a land sale contract and of one or more joint tenants or tenants in common.) It includes personal property such as furniture, furnishings or appliances. Except as provided in Section 19507, for purposes of this section, ownership must be evidenced by a duly recorded document.

SEC. 2. Section 19507 of the Revenue and Taxation Code is amended to read:

19507. "Property taxes accrued" means current property taxes (exclusive of special assessments, interest, penalties, principal payments on improvement bonds and charges for service) assessed against a claimant's homestead by any taxing agency (as defined in Section 121) for any fiscal year ending on or after June 30, 1968.

"Property taxes accrued" for the fiscal year ending June 30, 1969, shall be reduced for amounts claimed and received, or receivable, pursuant to the authorization contained in Section 1d of Article XIII of the Constitution.

When a claimant and his household own their homestead for only part of a year and rent the same or a different homestead for part of the same year, "property taxes accrued"

means only taxes assessed against the homestead when both owned and occupied as such by claimant and his household, multiplied by the percentage of 12 months that such property was owned and occupied by such household as its homestead in such year. Whenever a homestead is an integral part of a large unit such as a farm, or a multipurpose or multidwelling building, "property taxes accrued" shall be that percentage of the total property taxes accrued as the value of the homestead is of the total value. Where a claimant or member of the household is purchasing property under an unrecorded contract of sale, the Franchise Tax Board may require an affidavit under penalty of perjury stating the following:

(a) That he purchased the real property pursuant to such unrecorded contract of sale.

(b) That under such unrecorded contract of sale he is obligated and responsible for the payment of the taxes.

Where the premises are occupied by reason of the claimant's ownership of a dwelling on land owned by a nonprofit incorporated association, the Franchise Tax Board may require an affidavit under penalty of perjury stating any of the following:

(a) That the premises are occupied by reason of ownership of a dwelling on land owned by a nonprofit incorporated association, of which the claimant is a member.

(b) The nonprofit incorporated association requires that the claimant pay a pro rata share of the property tax levied against the association's land.

The Franchise Tax Board shall by regulation determine the amount of "property taxes accrued" when a household owns two or more homesteads during the same year.

SEC. 3. The provisions of this act shall be applied to claims filed for property tax assistance for fiscal years ending on and after June 30, 1969.

CHAPTER 52

An act to amend Sections 7351, 7351.5, 7351.6, 7653, and 8651 of, and to amend and renumber Section 8651.5, as added by Chapter 27 of the Statutes of 1965, of, the Revenue and Taxation Code, to amend Section 54157 of, and to add Section 54157.1 to, the Government Code, and to amend Section 186.95 of the Streets and Highways Code, relating to the repair, restoration, or replacement of public property damaged or destroyed by storm and flood or flood conditions, providing funds and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 24, 1969 Filed with Secretary of State April 24, 1969]

I object to the $25,000,000 appropriation in Assembly Bill No. 76, and I hereby reduce this appropriation from $25,000,000 to $7,500,000. With this reduction, I approve Assembly Bill No. 76.

RONALD REAGAN, Governor

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

SECTION 1. The sum of twenty-five million dollars ($25,000,000), or so much thereof as may be necessary, from the General Fund, in addition to the unexpended balance of the appropriation made by Item 446.7, Budget Act of 1958, as amended by Section 12, Budget Act of 1960, Section 11.4, Budget Act of 1967, and Section 10, Budget Act of 1968, is appropriated to the Department of Finance for expenditure for the purposes of the Emergency Flood Relief Law (Article 6 (commencing with Section 54150), Chapter 5, Part 1, Division 2, Title 5, Government Code) for damage or destruction to public real property, other than the repair, restoration, or replacement of streets, roads, and bridges, by storm and flood or flood conditions, including damage or destruction by flood conditions arising from tidal waves, which occurred between November 1, 1968 and September 1, 1969, and the local agency applies to the Department of Finance for an allocation of funds on or before December 31, 1969. The Legislature recognizes that federal legislation may be enacted appropriating additional funds for allocation to local agencies for the repair of local public facilities damaged or destroyed by storm and flood or flood conditions, in which case the expenditure of some portion of the money appropriated by this section may not be necessary.

The money appropriated by this section shall remain available for expenditure pursuant to the Emergency Flood Relief Law without regard to fiscal years.

SEC. 2. The funds made available by Section 1 of this act may also be expended for the purposes described in Section 54155 of the Government Code.

SEC. 3. Allocations of funds under Section 1 of this act may be expended, if the local agency so elects, for the repair, restoration, or replacement of a public building to present-day standards; provided, that the square footage of such building is not increased thereby.

SEC. 4. Notwithstanding the provisions of Section 54157 of the Government Code, whenever the Department of Finance determines that a local agency to which funds available pursuant to Section 1 of this act are proposed to be allocated is financially unable to meet the matching requirements set forth in Section 54157 of the Government Code due to exhaustion of its financial resources because of disaster expenditures, the provisions of Section 54157 of the Government Code shall not apply, and the Department of Finance may allocate funds available pursuant to Section 1 of this act to pay all of the cost of repairing, restoring, or replacing public buildings of such local agency or such portion of such cost as the department determines is necessary to accomplish the project, taking into consideration the financial ability of the local agency to meet the matching requirements of Section 54157 of the Gov-

ernment Code, less any money provided by the United States or any agency thereof for any portion of the cost of the project; provided, that the total amount of state funds allocated for any one project pursuant to this section shall not exceed the sum of two hundred thousand dollars ($200,000).

SEC. 5. The money in the Street and Highway Disaster Fund under subdivision (b) of Section 186.95 of the Streets and Highways Code shall be available for expenditure for allocation by the State Allocation Board for the purposes of the Emergency Flood Relief Law, including the purposes provided for in Section 54160 of the Government Code, for the repair, restoration, or replacement of any local street, road, or bridge damaged or destroyed by storm and flood or flood conditions, including damage or destruction by flood conditions arising from tidal waves, occurring between November 1, 1968 and September 1, 1969; provided, that the local agency has applied to the State Allocation Board for an allocation of funds on or before December 31, 1969.

SEC. 6. Whenever the Department of Finance determines that a local agency which would otherwise be eligible for an allocation under the formula of Section 54157 of the Government Code is unable to finance the work due to exhaustion of its financial resources because of disaster expenditures, the State Allocation Board may allocate funds available pursuant to Section 5 of this act to pay such portion of the cost of repairing, restoring, or replacing the streets, roads and bridges of such local agency as the department has determined is necessary to accomplish such work; provided, that if the local agency is a county, the amount contributed by each local agency shall not be reduced to less than an amount of money equal to the amount allocated to such local agency for the 1967–68 fiscal year pursuant to Section 2110.5 of the Streets and Highways Code; and provided, further, that if the local agency is a county, the Department of Finance, in determining whether the county's financial resources are exhausted, shall ascertain whether the county has levied, during the then current year, the maximum property tax for highway purposes authorized by Section 1550 of the Streets and Highways Code in the road district in which the work is proposed, and if such tax is being levied at less than the maximum rate authorized by Section 1550, the amount to be allocated by the State Allocation Board under this section shall be reduced by an amount equivalent to the difference between the revenue derived from the property tax being levied for highway purposes in such road district and the revenue which would have been derived from such tax at the maximum rate authorized by Section 1550. In determining if a county has levied sufficient taxes, amounts to be received from other taxes levied by that county and used for road purposes shall be included.

SEC. 7. Section 54157 of the Government Code is amended to read:

54157. (1) Except as provided in Section 54155, no money shall be allocated by the Department of Finance unless and until:

(a) A local agency has applied to the Department of Finance for an allocation of funds, and the Department of Water Resources, the Department of General Services or the Department of Public Works has first investigated and reported upon the proposed work, has found it to be a matter of general public and state interest and concern, has estimated the cost of the work and filed its report thereon with the Department of Finance, and the Department of Finance has approved the expenditure and purpose. A local agency which is in an area in which the Governor has proclaimed a state of disaster pursuant to Chapter 1 (commencing with Section 1500) of Division 7 of the Military and Veterans Code shall indicate, to the satisfaction of the Department of Finance, that it has applied for any other available public funds to assist in financing the cost of the work. The estimate of cost of the work may include expenditures made by the local agency for such work prior to the making of such estimate.

(b) The local agency has executed an agreement in such form as the Department of Water Resources, the Department of General Services, or the Department of Public Works, as the case may be, prescribes. Such agreement shall be subject to the approval of the Department of Finance. Such agreement shall provide for the performance of the work by the local agency or by the Department of Water Resources, the Department of General Services, or the Department of Public Works, the methods of handling the funds allocated hereunder and the matching funds provided by the local agency. It shall also contain such other provisions as are deemed necessary to assure completion of the work included in the project and the proper expenditure of funds as provided herein.

(c) Moneys as prescribed by the Department of Finance are made available by or on behalf of the agency in control of the damaged or destroyed facility or facilities.

(2) Allocations of funds under this article shall be made as follows:

(a) As to street, highway, and bridge projects, the State Allocation Board shall determine the respective amounts which the state and the local agency shall contribute, using the following criteria as a guide:

(i) The state shall make no allocation as to that portion of the damage equal to 3 percent or less of the total amount apportioned by the state to the local agency from the Highway Users Tax Fund during the previous fiscal year. The state shall make no allocation as to any project of less than two thousand five hundred dollars ($2,500).

(ii) As to damage exceeding 3 percent but not exceeding 50 percent of such amount apportioned, the state shall allocate 60 percent of the cost.

(iii) As to damage exceeding 50 percent but not exceeding 150 percent of such amount apportioned, the state shall allocate 80 per cent of the cost.

(iv) As to damage over 150 percent of such amount apportioned, the state shall allocate 95 percent of the cost.

(b) As to other types of projects, the Department of Finance shall determine the respective amounts which the state and the local agency shall contribute, using the following criteria as a guide:

(i) The state shall make no allocation as to that portion of the damage equal to one-half of 1 percent or less of the revenue, exclusive of funds received from any federal or state agency, of the local agency during the previous fiscal year as determined by the Department of Finance. The state shall make no allocation as to any project of less than one thousand dollars ($1,000).

(ii) As to damage exceeding one-half of 1 percent but not exceeding 50 percent of such revenue, the state shall allocate 60 percent of the cost.

(iii) As to damage exceeding 50 percent but not exceeding 150 percent of such revenue, the state shall allocate 80 percent of the cost.

(iv) As to damage over 150 percent of such revenue, the state shall allocate 95 percent of the cost.

(c) Expenditures incurred by a local agency prior to the effective date of the allocation for work otherwise eligible may be considered in determining the rate of contribution between the state and the local agency under the above criteria.

SEC. 8. Section 54157.1 is added to the Government Code, to read:

54157.1. The agreement executed between a local agency and the Department of Water Resources, the Department of General Services, or the Department of Public Works pursuant to subdivision (b) of Section 54157 shall contain a provision under which the local agency agrees to hold and save the state free from damages due to the work for which funds are allocated.

SEC. 9. Section 186.95 of the Streets and Highways Code is amended to read:

186.95. The Street and Highway Disaster Fund is hereby created in the State Treasury, to consist of the moneys referred to in Section 186.9.

The moneys in the Street and Highway Disaster Fund, which are appropriated by Section 186.9, shall be available for expenditure, transfer, and allocation, as follows:

(a) The money transferred to the fund pursuant to subdivision (a) of Section 186.9 shall be available for allocation by the State Allocation Board for the purposes of the Emergency Flood Relief Law (Article 6 (commencing with Section 54150), Chapter 5, Part 1, Division 2, Title 5 of the Government Code), including the purposes provided for in Section 54160 of the Government Code, for damage or destruction to

local streets, roads and bridges from storm and flood or flood conditions which have occurred between December 1, 1964, and June 30, 1965. Local agencies shall apply to the State Allocation Board for an allocation of funds on or before April 1, 1966. Notwithstanding any provisions to the contrary in the Emergency Flood Relief Law, the funds allocated pursuant to this subdivision may be used for the purpose of repairing, restoring or replacing such local streets, roads or bridges to present-day standards, such as those referred to in Section 186.8 of this code, and to accommodate present traffic.

(b) The money in the fund including the money received from the federal government as reimbursement to any city or county for the repair or restoration of any street, road or bridge which has been or will be repaired or restored in part or in whole by funds allocated pursuant to this section shall be available for allocation by the State Allocation Board for the purposes of the Emergency Flood Relief Law for the repair or restoration of any local street, road or bridge damaged or destroyed by any disaster to present-day standards such as those referred to in Section 186.8 of this code, and to accommodate present traffic; and the use of such money shall not be limited to the repair or restoration of streets, roads or bridges damaged or destroyed by storm and flood or flood conditions; provided, that no such money shall be allocated for expenditure in connection with any disaster, except the damage or destruction to local streets, roads or bridges damaged or destroyed by storm and flood or flood conditions which have occurred between December 1, 1964, and June 30, 1965, unless and until specifically authorized by the Legislature.

(c) The money in the fund received from the federal government as reimbursement to the state for the repair or restoration of any state highway which has been or will be repaired or restored in part or in whole by funds transferred to the State Highway Fund pursuant to subdivision (b) of Section 186.9 or by funds expended pursuant to this section shall be available for transfer by the Department of Finance to the State Highway Fund for allocation by the California Highway Commission and expenditure by the Department of Public Works for the repair or restoration of any state highway damaged or destroyed by any disaster to present-day standards and to accommodate present traffic.

(d) Any money in the fund not necessary for immediate use for the purposes otherwise specified in this section shall be available for transfer by the Department of Finance to the State Highway Fund for allocation and expenditure for construction of state highways, but any amount so transferred shall, after receipt by the Department of Public Works of written demand from the Department of Finance, be returned from the State Highway Fund to the Street and Highway Disaster Fund upon determination by the Department of Finance of the necessity of such money for the purposes of this section within a period of not to exceed six

months in such installments as may be agreed upon by the Department of Finance and the Department of Public Works.

(e) The sum of two million six hundred ninety-two thousand two hundred fifty dollars ($2,692,250) of the cash balance of the money in the fund under subdivision (c) shall be transferred by the Department of Finance to subdivision (b) for expenditure pursuant to that subdivision in such installments and at such times as may be determined to be necessary by the Department of Finance. In addition to the amount provided for in the preceding sentence, if the Department of Finance at any time determines that the estimated unallocated balance of the fund under subdivision (b) of this section is insufficient, together with the amount provided in the preceding sentence, to carry out the purposes authorized under subdivision (b), and the Department of Public Works determines that a portion of the estimated unallocated balance of the fund under subdivision (c), over and above the amount provided for in the preceding sentence, is not immediately needed for carrying out the purposes of subdivision (c), the Department of Finance may transfer such portion to subdivision (b) for expenditures pursuant to that subdivision. Any amounts transferred pursuant to this subdivision shall not be required to be repaid.

(f) Notwithstanding any other provision of this section, money in the fund under subdivision (b) may be allocated by the State Allocation Board for expenditure pursuant to Section 54155 of the Government Code.

(g) Income from investment of moneys in the fund and all payments by local agencies in reimbursement of moneys disbursed from the fund, including deferred payments with interest, pursuant to Government Code Sections 54160 and 54161, and all other moneys deposited therein, pursuant to law, shall be available for expenditure, transfer and allocation pursuant to this section.

SEC. 10. Any local agency to which the state, prior to the effective date of this act, has advanced money to pay such local agency's share of the cost of repair, replacement, or restoration of public real property damaged or destroyed by any disaster need not repay any of the amount so advanced which, on the effective date of this act, is outstanding and has not been repaid.

SEC. 11. Section 7351 of the Revenue and Taxation Code is amended to read:

7351. For the privilege of distributing motor vehicle fuel a license tax is hereby imposed upon distributors at the rate of seven cents ($0.07) for each gallon of fuel distributed, except that for the period commencing on June 1, 1969, to and including November 30, 1969, or such earlier date as may be established pursuant to Section 7351.6, the rate shall be eight cents ($0.08) for each gallon of fuel distributed.

SEC. 12. Section 7351.5 of the Revenue and Taxation Code is amended to read:

7351.5. (a) For the privilege of storing for the purpose of sale or use in the propulsion of a motor vehicle on a highway fuel as to the distribution of which a license tax not exceeding seven cents ($0.07) per gallon has been imposed under Section 7351, every person, except a duly licensed distributor, the government of the United States or any agency thereof, this state or any county, city and county, city, district, or any other political subdivision or agency of this state, owning one thousand (1,000) gallons or more thereof on June 1, 1969, shall pay a tax of one cent ($0.01) for each gallon of such fuel according to the volumetric measure thereof.

(b) Every person owning and having in storage for purpose of sale one thousand (1,000) or more gallons of motor vehicle fuel on December 1, 1969, or, if a Governor's proclamation is issued pursuant to Section 7351.6, on the first day of the month following the issuance thereof, with respect to which a license tax of eight cents ($0.08) per gallon has been imposed under Section 7351 of this part, shall be allowed a refund of one cent ($0.01) for each gallon of such fuel. If the motor vehicle fuel with respect to which a refund is claimed hereunder was acquired taxpaid on the temperature-corrected measure, the volumetric measure of the fuel owned and in storage on December 1, 1969, or, if a Governor's proclamation is issued pursuant to Section 7351.6, on the first day of the month following the issuance thereof, shall be adjusted to the temperature-corrected measure at 60 degrees Fahrenheit, and refund shall be computed on that adjusted measure. The refund shall be made in the manner provided in Article 1 (commencing with Section 8101) of Chapter 7 of this part to the extent that the provisions thereof are not inconsistent herewith, and further provided that the claim for such refund shall be filed with the State Controller on or before January 1, 1970, or, if a Governor's proclamation is issued pursuant to Section 7351.6, on or before the first day of the second month following the issuance thereof.

(c) For the purposes of subdivision (a) of this section, "storing" includes the possession in a container of any kind, including the fuel tanks of motor vehicles, of motor vehicle fuel and such fuel purchased from, and invoiced by, the seller prior to June 1, 1969, and in transit on that date.

For the purposes of subdivision (b) of this section, "storing" includes the possession in a container of any kind, including the fuel tanks of motor vehicles, of motor vehicle fuel purchased from, and invoiced by, the seller prior to December 1, 1969 or, if a Governor's proclamation is issued pursuant to Section 7351.6, on the first day of the month following the issuance thereof, and in transit on that date.

For the purposes of this section, "owning" includes having title to, possession of as a consignee or agent, or any other possessory or beneficial interest in, motor vehicle fuel.

SEC. 13. Section 7351.6 of the Revenue and Taxation Code is amended to read:

7351.6. If, in any month prior to November 1969, the Governor, acting upon the advice of the Departments of Finance and Public Works, finds that sufficient funds will be available from increased taxes and federal reimbursements for federally approved projects for the purpose of financing the repair or restoration of state highways and local streets, roads, and bridges damaged or destroyed by storm and flood or flood conditions which have occurred between November 1, 1968, and September 1, 1969, with the eight cents ($0.08) per gallon rate of the tax imposed pursuant to Sections 7351 and 8651 remaining in effect only until the end of that month, he shall, on or before the 10th day of that month, issue a proclamation making such declaration. Thereupon, the rate of the tax imposed pursuant to Section 7351 shall, on the first day of the month following the issuance of the Governor's proclamation, automatically revert to seven cents ($0.07) per gallon for each gallon of fuel distributed.

SEC. 14. Section 7653 of the Revenue and Taxation Code is amended to read:

7653. On or before July 1, 1969, each person subject to the tax imposed under Section 7351.5 shall prepare and file with the board on forms prescribed by the board a return showing the total number of gallons of motor vehicle fuel owned by him on June 1, 1969, as to the distribution of which a license tax not exceeding seven cents ($0.07) per gallon has been imposed under Section 7351 and such other information as the board deems necessary for the proper administration of this part. The return must be accompanied by a remittance payable to the Controller in the amount of tax due

SEC. 15. Section 8651 of the Revenue and Taxation Code is amended to read:

8651. An excise tax is hereby imposed at the rate of seven cents ($0.07) for each gallon of fuel used, except that for the period commencing on June 1, 1969, to and including November 30, 1969, or such earlier date as may be established pursuant to Section 8651.4, the rate shall be eight cents ($0.08) for each gallon of fuel used.

SEC. 16. Section 8651.5 of the Revenue and Taxation Code, as added by Chapter 27 of the Statutes of 1965, is amended and renumbered to read:

8651.4. If, in any month prior to November 1969, the Governor, acting upon the advice of the Departments of Finance and Public Works, finds that sufficient funds will be available from increased taxes and federal reimbursements for federally approved projects for the purpose of financing the repair or restoration of state highways and local streets, roads, and bridges damaged or destroyed by storm and flood or flood conditions which have occurred between November 1, 1968, and September 1, 1969, with the eight cents ($0.08) per gallon rate of the tax imposed pursuant to Sections 7351 and 8651

remaining in effect only until the end of that month, he shall, on or before the 10th day of that month, issue a proclamation making such declaration. Thereupon, the rate of the tax imposed pursuant to Section 8651 shall, on the first day of the month following the issuance of the Governor's proclamation, automatically revert to seven cents ($0.07) per gallon for each gallon of fuel used.

SEC. 17. Of the increased revenue derived from the increase in taxes provided for in this act and received in the Highway Users Tax Fund:

(a) Eighty percent shall be transferred to the Street and Highway Disaster Fund and be available for expenditure for allocation by the State Allocation Board for the purposes of the Emergency Flood Relief Law, including the purposes provided for in Section 54160 of the Government Code, for the repair, restoration, or replacement of any local street, road, or bridge damaged or destroyed by storm and flood or flood conditions, including damage or destruction by flood conditions arising from tidal waves, occurring between November 1, 1968 and September 1, 1969; provided, that the local agency has applied to the State Allocation Board for an allocation of funds on or before December 31, 1969.

(b) Twenty percent shall be transferred to the State Highway Fund for expenditure, without regard to the provisions of Sections 188, 188.8, and 188.9 of the Streets and Highways Code, for the repair, replacement, or restoration of highways and bridges in the state highway system damaged or destroyed by storm and flood or flood conditions which have occurred between November 1, 1968 and September 1, 1969, to present-day standards and to accommodate present traffic.

SEC. 18. All moneys which are made available by the various provisions of this act for expenditure or allocation for the repair, restoration, or replacement of public real property damaged or destroyed by storm and flood or flood conditions are hereby appropriated for the particular purposes specified by the respective provisions.

SEC 19. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Annual storms and floods occurring in various counties of the state have caused and are expected to cause severe damage and destruction to essential streets, roads, highways, and bridges, public facilities and property in said counties, including public facilities supplying domestic water to inhabitants thereof. In order that funds may be made available immediately for the repair, restoration, or replacement of such streets, roads, highways, and bridges, public facilities and property, it is essential that this act go into immediate effect.

CHAPTER 53

An act to maintain the Business and Professions Code by amending Sections 1633.5, 2982, 7555, 7555.1, 7555.3, 7555.4, 7555.5, 7555.6, 7555.7, 9874, 10165, and 17822, relating to business and professions.

[Approved by Governor April 29, 1969. Filed with Secretary of State April 29, 1969.]

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

SECTION 1. Section 1633.5 of the Business and Professions Code is amended 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 Examiners' examination and received a certificate from that board.

SEC. 2. Section 2982 of the Business and Professions Code is amended to read:

2982. Licenses issued before January 1, 1969, expire and become invalid at 12 p.m. on December 31, 1968, if not renewed. Licenses renewed on or after December 31, 1968, and before March 1, 1970, and licenses issued after December 31, 1968, and before March 1, 1970, expire and become invalid at 12 p.m. on February 28, 1970, if not renewed. Thereafter, all licenses expire and become invalid at 12 p.m. on the last day of February of each even-numbered year if not renewed.

To renew an unexpired license, the licensee shall, on or before each of the dates on which it would otherwise expire, apply for renewal on a form prescribed by the board, and pay the prescribed renewal fee, if any.

SEC. 3. Section 7555 of the Business and Professions Code is amended to read:

7555. As used in this article, "presiding officer" means the executive officer of the Office of Administrative Procedure.

SEC. 4 Section 7555 1 of the Business and Professions Code is amended to read:

7555.1. The acceptance by a nonresident licensee of any of the rights and privileges conferred upon him by this chapter, as evidenced by his performance within this state, either personally or through an employee, of any act for which a license is required by this chapter, is equivalent to the appointment by such licensee of the presiding officer as his true and lawful attorney upon whom may be served all lawful process in any disciplinary proceeding conducted against him under this chapter.

SEC. 5. Section 7555.3 of the Business and Professions Code is amended to read:

7555.3. Service shall be made by leaving a copy of the accusation, together with a notice of defense and statement to respondent as described in Section 11505 of the Government Code, with a fee of two dollars ($2) for each licensee to be served, in the hands of the presiding officer or in his office in

Sacramento. Such service shall be sufficient service on the licensee subject to compliance with Section 7555.4 of this code.

SEC. 6. Section 7555.4 of the Business and Professions Code is amended to read:

7555.4. A notice of such service and a copy of the accusation, together with the notice of defense and statement to respondent, shall forthwith be sent by registered mail by the presiding officer to the licensee at his last known address as furnished by the director. Personal service of such notice, copy of the accusation, notice of defense, and statement to respondent upon the licensee wherever found outside this state shall be the equivalent of such mailing.

SEC. 7. Section 7555.5 of the Business and Professions Code is amended to read:

7555.5. Proof of compliance with Section 7555.4 of this code shall be made in the event of service by mail by affidavit of the presiding officer or his authorized employee showing such service by mailing, together with the return receipt of the United States post office bearing the signature of the licensee or his agent. Such affidavit and receipt shall be appended to the original accusation on file with the director. In the event of personal service outside this state such compliance may be proved by the return of any duly constituted public officer qualified to serve process in civil actions in the state or jurisdiction where the licensee is found, showing such service to have been made. Such return shall be appended to the original accusation on file with the director.

SEC. 8. Section 7555.6 of the Business and Professions Code is amended to read:

7555.6. The director, or if the proceeding is heard before a hearing officer of the Office of Administrative Procedure, such hearing officer, may order such postponements or continuances and grant such extensions of time as may be necessary to afford the licensee reasonable opportunity to defend the proceeding. In no event shall the licensee have less than 30 days after the date of service of the accusation in which to file a notice of defense, nor shall the notice of hearing provided for in Section 11509 of the Government Code or the notice and copy of affidavit referred to in Section 11514 of said code be mailed or delivered less than 20 days prior to the date of hearing, and the time for making a request to cross-examine under said Section 11514 shall not be less than 15 days.

SEC. 9. Section 7555.7 of the Business and Professions Code is amended to read:

7555.7. The presiding officer shall keep a record of all process served upon him pursuant to this article, which record shall show the day and hour of service.

SEC. 10. Section 9874 of the Business and Professions Code is amended to read:

9874. All salaries, expenses, or costs incurred or sustained pursuant to this chapter shall be payable only out of the Electronic Repair Dealer Registration Fund.

SEC. 11. Section 10165 of the Business and Professions Code is amended to read:

10165. For a violation of any of the provisions of Sections 10160, 10161.7, 10161.8, 10162, and 10164, the commissioner may temporarily suspend or permanently revoke the license of the real estate licensee in accordance with the provisions of this part relating to hearings.

SEC. 12. 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 is 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.

CHAPTER 54

An act to maintain the Public Resources Code by repealing the heading of Article 4 (commencing with former Section 570), of Chapter 1, Division 1, and amending Sections 5005.1, 5010.5, 5017, 5161, and 5782.18, relating to public resources.

[Approved by Governor April 29, 1969. Filed with Secretary of State April 29, 1969.]

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

SECTION 1. The heading of Article 4 (commencing with former Section 570) of Chapter 1, Division 1, of the Public Resources Code is repealed.

SEC. 2. Section 5005.1 of the Public Resources Code is amended to read:

5005.1. The Department of Parks and Recreation may with approval of the Department of General Services transfer, sell or otherwise dispose of personal property under its jurisdiction and may contract with other public agencies for its custody.

SEC. 3. Section 5010.5 of the Public Resources Code is amended to read:

5010.5. The director may authorize the refund of moneys received or collected by himself or by the department illegally, or by mistake, inadvertence, or error. Claims authorized by the director shall be filed with the State Controller and the Controller shall draw his warrant against the General Fund in payment of such refund from any appropriation made for that purpose,

SEC. 4. Section 5017 of the Public Resources Code is amended to read:

5017. Whenever the Legislature, or the director, directs the department to plan any state beach or park or recreational area development, the department shall forthwith cause investigations, studies, surveys to be made, and generalized plans to be prepared, with respect to the proposed development and shall report thereon to the Legislature at the next succeeding session of the Legislature, including in such report a description of the property to be acquired and the improvements to be constructed in connection with the proposed development, an estimate of the cost thereof, an estimate of the visitor days projected, and the department shall consult and advise with the appropriate local planning agency with regard thereto.

SEC. 5 Section 5161 of the Public Resources Code is amended to read:

5161. Whenever any county, city and county, city or the state owns land within the limits of any area designated as a state historical monument, it may, with the consent of the department, sell such land to, or exchange such land with, any other public, private, or former owner of land within the same area upon a determination by the state or other governmental agency that the sale or exchange of the land will facilitate the development of the historical monument

SEC. 6. Section 5782.18 of the Public Resources Code is amended to read:

5782.18. Each member of the district board may receive such sum as may be fixed by the board, not exceeding twenty-five dollars ($25) for each meeting of the board attended by him, not exceeding two meetings in any calendar month.

CHAPTER 55

An act to maintain the Fish and Game Code by amending Section 101 of the Fish and Game Code, relating to the Fish and Game Commission.

[Approved by Governor April 29, 1969 Filed with Secretary of State April 29, 1969.]

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

SECTION 1. Section 101 of the Fish and Game Code is amended to read:

101. There is in the Resources Agency the Fish and Game Commission created by Section 20 of Article IV of the Constitution.

CHAPTER 56

An act to amend Section 10664 of, and to add Sections 10907 and 10908 to, the Fish and Game Code, relating to refuges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 29, 1969. Filed with Secretary of State April 29, 1969.]

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

SECTION 1. Section 10664 of the Fish and Game Code is amended to read:

10664. In the Laguna Beach, Newport Beach, South Laguna Beach, Dana Point, and Doheny Beach Marine Life Refuges, the following fish, mollusks and crustaceans may be taken under the authority of a sport fishing license as authorized by this code: abalone, lobster, bonita, rockfish (Sebastodes), mackerel, perch, kelp bass, sand bass, spotted bass, corbina, croaker and halibut. All other fish and forms of aquatic life are protected and may not be taken without a written permit from the department.

SEC. 2. Section 10907 is added to the Fish and Game Code, to read:

10907. The following constitutes a marine life refuge and shall be designated as the Dana Point Marine Life Refuge

That portion of District 19 consisting of land and ocean waters bounded by a line commencing at Station 70 of the mean high tide line as shown on Document Number 25208 recorded in Book 7651, page 69 of Official Records on file in the Office of County Recorder of Orange County; thence along the mean high tide line westerly and northerly 3500 feet more or less to intersection with a line which is 2440 feet south of and parallel to the north line of Fractional Section 21, R. 8 W., T. 8 S., S.B.M.; thence west 1200 feet; thence southerly and easterly 1200 feet from and parallel to the shore line to an intersection with a line which bears S 40° 00′ E. from said Station 70; thence N 40° 00′ W. 1200 feet more or less to the point of beginning.

SEC. 3. Section 10908 is added to the Fish and Game Code, to read:

10908. The following constitutes a marine life refuge and shall be designated as the Doheny Beach Marine Life Refuge:

All that area lying 600 feet seaward of and below the mean high tide line of the Pacific Ocean between the prolongation of the line common to Blocks A and B of Tract No. 797, Capistrano Beach #3, in the County of Orange, State of California, as per map recorded in Book 25, pages 10 to 15, inclusive, of Miscellaneous Maps in the office of the County Recorder of such county, such line also being the prolongation of the easterly line of Doheny State Beach, a unit of the State Park System acquired by deed dated April 29, 1957, from the

Union Oil Company of California, recorded on October 9, 1957, in Book 4063 of Official Records at page 88, Orange County, California, and the east breakwater of the Dana Point Harbor, a project of the Orange County Harbor District, a political subdivision of the State of California.

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

This act establishes the Dana Point and Doheny Beach Marine Life Refuges and includes within such refuges certain areas which contain important marine life resources and represent outstanding marine life values. The continued existence of these resources is presently threatened, and the preservation and protection of such resources is a matter of urgent importance to the welfare of the people of the state. In order to insure that effective protection for these marine life resources will be provided it is essential that such marine life refuges be established at the earliest possible time. It is necessary, therefore, that this act shall go into immediate effect.

CHAPTER 57

An act to add Section 3576 to the Public Utilities Code, relating to carriers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 29, 1969. Filed with Secretary of State April 29, 1969.]

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

SECTION 1. Section 3576 is added to the Public Utilities Code, to read:

3576. Any person who held only a city carrier permit on December 31, 1967, and who because of the repeal of the City Carriers Act on November 13, 1968, was required to apply for and obtain another type of permit in lieu thereof may apply to the commission for a refund of the filing fee paid for such permit. Any person who in good faith filed an application for and received a city carrier permit subsequent to January 1, 1968, may apply to the commission to have such permit converted to a radial highway common carrier permit or a highway contract carrier permit without payment of an additional application fee or may, if such person already possesses a radial highway common carrier permit or a highway contract carrier permit, apply for a refund of the fee paid for the city carrier permit. The commission shall make refunds out of money in its possession of the fees provided for in Chapter 6 of Division 2 (commencing with Section 5001) of this code.

This section shall remain in effect until February 1, 1970, and upon that date is repealed.

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

Because Chapter 2 of Division 2 of this code, the City Carriers' Act, under which city carrier permits were issued, was repealed by Chapter 1007 of the Statutes of 1968, persons who have paid an application fee for and received a city carrier permit subsequent to January 1, 1968, will be required to apply for a new permit in order to operate as a carrier. Such persons who apply for a radial highway common carrier permit will be subjected to payment of an additional application fee. The inequity of such double payment of permit application fees is in urgent need of correction and, thus, it is necessary that this act take effect immediately.

CHAPTER 58

An act to amend Section 12804 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor April 29, 1969. Filed with Secretary of State April 29, 1969.]

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

SECTION 1. Section 12804 of the Vehicle Code is amended to read:

12804. (a) The examination shall include a test of the applicant's knowledge and understanding of the provisions of this code governing the operation of vehicles upon the highways, the ability to read and understand simple English used in highway traffic and directional signs, his understanding of traffic signs and signals and the applicant shall be required to give an actual demonstration of his ability to exercise ordinary and reasonable control in operating a motor vehicle by driving the same under the supervision of an examining officer and submit to an examination appropriate to the type of motor vehicle or combination of vehicles he desires a license to drive. The examination shall also include a test of the hearing and eyesight of the applicant and such other matters as may be necessary to determine the applicant's mental and physical fitness to operate a motor vehicle upon the highways and whether any ground exists for refusal of a license under this code. The examination for a class 1 or class 2 license under subdivision (b) of this section shall also include a doctor's report of a medical examination of the applicant. In establishing the requirements consideration may be given to the standards presently required of motor carrier drivers by the Interstate Commerce Commission. Any physical defect of the applicant

which in the opinion of the department is compensated to insure safe driving ability shall not prevent the issuance of a license to the applicant.

(b) 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.

(d) The department may accept a certificate of competence in lieu of a driving test on class 4 applications when such certificate is issued by a law enforcement agency for its officers who operate class 4 vehicles in their duties provided the applicant has also met the other examination requirements for the license for which he is applying.

CHAPTER 59

An act to amend Section 206.7 of the Civil Code, relating to public assistance recipients.

[Approved by Governor May 1, 1969. Filed with Secretary of State May 1, 1969.]

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

SECTION 1. Section 206.7 of the Civil Code is amended to read:

206.7. In the event that the parent of a person seeking to maintain an action pursuant to Section 206.5 is an applicant for or recipient of aid under Chapter 3 (commencing with Section 12000), Chapter 5 (commencing with Section 13000), or Chapter 6 (commencing with Section 13500) of Part 3 of, or Part 5 (commencing with Section 17000) of, Division 9 of the Welfare and Institutions Code, the person seeking to maintain the action shall first make application to the board of supervisors of the county responsible for granting such aid for an order freeing him from responsibility for the support of his parent. At the time of making such application, the person shall produce proof, either by a person who was in a position to know the facts, other than the parent against whom relief is sought, or by documentary or other reliable evidence, that while he was a minor he was abandoned by the parent for a period of two or more years and that during such period the parent was physically and mentally able to support him. If the board denies his request or fails to act upon such request within 30 days, such person shall be entitled to file an action pursuant to Section 206.5. In the event such an action is filed, such person shall serve a copy of the petition on the clerk of the board at least 10 days prior to the hearing.

CHAPTER 60

An act to amend Section 24001 of the Government Code, relating to juvenile probation, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 1, 1969. Filed with Secretary of State May 1, 1969.]

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

SECTION 1. Section 24001 of the Government Code is amended to read:

24001. Except as otherwise provided in Sections 27550.1 and 27641.1 of this code or in this section, a person is not eligible to a county or district office, unless at the time of his election or appointment he is of the age of 21 years or over, a citizen of the state, and an elector of the county or district in which the duties of the office are to be exercised. However, if a duly qualified health officer is not available within a county or district, then it shall not be necessary that any person appointed to any such position be a citizen of the state or an elector of the county or district at the time of his appointment.

The assessor, tax collector, or treasurer of a district formed under the Irrigation District Law (commencing at Section 20500 of the Water Code) need not be a resident of the district in which the duties of the office are to be exercised.

The board of supervisors of any county may, if it finds that the best interests of the county will be served, waive the requirement that the administrative officer be an elector of the county.

The board of supervisors or any other legally constituted appointing authority in a county that is consolidated with a city may, if it finds that the best interests of the county will be served, waive the requirements of this section for an appointment to the office of chief juvenile probation officer.

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

It is essential that this act take effect immediately so that otherwise qualified persons may be considered for appointment to the office of chief juvenile probation officer, a position which will be vacant on May 1, 1969 because of the retirement of the incumbent and for which the Board of Supervisors of the City and County of San Francisco has requested a waiver of the residence requirements in order to assure the recruitment of the best available qualified applicant nationwide.

CHAPTER 61

An act to amend Section 1803.2 of the Civil Code, relating to sales.

[Approved by Governor May 1, 1969 Filed with Secretary of State May 1, 1969]

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

SECTION 1. Section 1803.2 of the Civil Code is amended to read:

1803.2. Except as provided in Sections 1803.9 and 1808.3, every retail installment contract shall be contained in a single document which shall contain:

(a) The entire agreement of the parties with respect to the cost and terms of payment for the goods and services, including any promissory notes or any other evidences of indebtedness between the parties relating to the transaction.

(b) Either at the top of the contract or directly above the space reserved for the signature of the buyer, the words "Security Agreement" or "Lien Contract," as the case may be, shall appear in at least 10-point bold type where a security interest in the goods is retained or a lien on other goods or realty is obtained by the seller as security for the goods or

services purchased. Either at the top of the contract or directly above the space reserved for the signature of the buyer, the words "Retail Installment Contract" shall appear in at least 10-point bold type where security is not obtained by the seller for the goods or services purchased.

(c) A notice in at least eight-point bold type reading as follows: "Notice to the buyer: (1) Do not sign this agreement before you read it or if it contains any blank space. (2) You are entitled to a completely filled-in copy of this agreement. (3) Under the law, you have the right to pay off in advance the full amount due and under certain conditions to obtain a partial refund of the service charge."

CHAPTER 62

An act to amend Section 892.6 of the Education Code, relating to educational television, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 1, 1969. Filed with Secretary of State May 1, 1969.]

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

SECTION 1. Section 892.6 of the Education Code is amended to read:

892.6. The governing board of any school district or the county superintendent of schools acting with its permission and on behalf of such a board, or boards, may enter into contracts, either alone or in cooperation with other school districts, for the purpose of participating in or the procuring of television broadcasts for use in the educational program of the schools.

The governing board of any school district or the county superintendent of schools, either alone or in cooperation with other school districts or other county superintendents of schools, or with nonprofit corporations operating educational television stations as defined in Section 225.5 of the Revenue and Taxation Code, may purchase broadcast time over, and may own, lease, and operate, television transmitting facilities for use in providing instructional services, teachers' in-service educational services, which the governing board or the county superintendent of schools is otherwise authorized to provide, and may provide necessary services in connection therewith. The governing board of a school district, or the county superintendent of schools, or a nonprofit corporation with a school district or with a county superintendent of schools, which is the owner or lessee of television transmitting facilities may sell broadcast time, on a reimbursement basis, to any other school districts or county superintendent of schools for instructional services and teachers' in-service educational services upon such terms as are mutually agreed upon.

The governing board of a school district and a county superintendent of schools may accept grants-in-aid from any public or private source in carrying out the purposes of this section.

When television transmitting facilities owned, leased or operated by the governing board of a school district or county superintendent of schools, either alone or in cooperation with other school districts or other county superintendents of schools pursuant to this section or a nonprofit corporation operating an educational television station, are not in use for providing instructional services or teachers' in-service educational services, such facilities may be used for transmitting community educational television programs if such use does not require the expenditure of any additional public funds of a school district or a county superintendent of schools.

For purposes of this section, the term "school district" shall include any school district library district formed under the provisions of Chapter 6 (commencing with Section 28001) of Division 20.

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

In order to insure that educational television transmission in the territory of some school district library districts in the state will be continued without interruption, and in order that the application of the Los Angeles Unified School District for the allocation of an educational television channel may be revised and processed, it is necessary that this act take immediate effect.

CHAPTER 63

An act to amend Sections 26601, 26602, 26603, 26606, 26655, 26656, and 26658 of, and to add Section 26604.5 to, the Water Code, relating to irrigation district assessments.

[Approved by Governor May 1, 1969. Filed with Secretary of State May 1, 1969.]

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

SECTION 1. Section 26601 of the Water Code is amended to read:

26601. At its option, the board of directors of a district may adopt a resolution declaring its intention to dispense with either the office of assessor or both the offices of assessor and collector of the district, and to transfer the duties of either the assessor or of both such officers to the assessor or to the assessor and tax collector of the county or counties in which the lands within such districts are located. Such resolution shall specify whether, under the proposed procedure, lands

subject to sale for unpaid assessments shall be sold to the district or sold to the state.

SEC. 1.5. Section 26602 of the Water Code is amended to read:

26602. Certified copies of such resolution shall be served on the clerk of the board of supervisors and on the auditor, assessor and collector of the county or counties in which the lands within the district are located and shall be filed with the State Board of Equalization.

SEC. 2. Section 26603 of the Water Code is amended to read:

26603. Within 30 days of the receipt of such resolution, the board of supervisors shall adopt a resolution advising the district of the charges to be made for the services to be performed by the county. If the board of directors elects to accept the terms offered by the county, it shall adopt a resolution reciting its acceptance, dispensing with the office of district assessor or with both the offices of district assessor and district collector, and transferring their duties to the assessor or to the assessor and tax collector of the county or counties in which the lands within the district are located. Such resolution shall specify whether, under the agreed upon procedure, lands subject to sale for unpaid assessments shall be sold to the district or sold to the state.

SEC. 2.5. Section 26604.5 is added to the Water Code, to read:

26604.5. On or before January 1st of the year in which the contract becomes effective the district shall comply with the provisions of Chapter 8 (commencing with Section 54900) of Part 1, Division 2, Title 5 of the Government Code. The statement and map or plat shall also set forth the boundaries of any portion of the district in which a rate of taxation is to be levied which is different from the rate to be levied in any other portion of the district.

SEC. 3. Section 26606 of the Water Code is amended to read:

26606. After termination of the contract, the county officers shall continue with the collection of district assessments on the county rolls and with the redemption or deeding of property subject to delinquent district assessments on county rolls until all such assessments have been collected or all such property has been either redeemed or deeded for unpaid assessments.

SEC. 4. Section 26655 of the Water Code is amended to read:

26655. Unpaid district assessments are delinquent on the same hour and day that county taxes are delinquent and the lands subject thereto shall either be sold to the district or to the state in the manner, at the time, and upon the penalties of sales of property for nonpayment of county taxes.

SEC. 5. Section 26656 of the Water Code is amended to read:

26656. Lands sold for delinquent district assessments may be redeemed within three years from date of sale if sold to the district, or within five years if sold to the state, in the same manner as the redemption of property after sale for nonpayment of county taxes.

SEC. 6. Section 26658 of the Water Code is amended to read:

26658. Lands sold to the district remaining unredeemed after three years have elapsed from the date of their sale for delinquent district assessments shall be deeded to the district by the county tax collector. The deed shall be substantially in the form provided for collector's deeds by Section 26276 of the Water Code and shall have the same effect and be recorded in the same manner as irrigation district's collector's deeds under the provisions of Articles 4 and 5 of Chapter 6 of this part. Lands sold to the state remaining unredeemed after five years have elapsed from the date of their sale for delinquent district assessments shall be deeded to the state by the county tax collector.

CHAPTER 64

An act to amend Section 899 of the Penal Code, relating to grand juries.

[Approved by Governor May 1, 1969. Filed with Secretary of State May 1, 1969.]

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

SECTION 1. Section 899 of the Penal Code is amended to read:

899. The names for the grand jury list shall be selected from the different wards, judicial districts, or supervisorial districts of the respective counties in proportion to the number of inhabitants therein, as nearly as the same can be estimated by the persons making the lists. The grand jury list shall be kept separate and distinct from the trial jury list. In a county of the first class, the names for such list may be selected from the county at large.

CHAPTER 65

An act to amend Section 4702 of the Labor Code, relating to workmen's compensation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 1, 1969. Filed with Secretary of State May 1, 1969.]

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

SECTION 1. Section 4702 of the Labor Code is amended to read:

4702. Except as provided in the next paragraph, the death benefit in cases of total dependency, when added to all accrued disability indemnity, shall be the sum of twenty thousand dollars ($20,000) except in the case of a surviving widow and one or more dependent minor children, in which case the death benefit shall be twenty-three thousand dollars ($23,000) and except as otherwise provided in Sections 4553 and 4554. In cases of partial dependency the death benefit shall be a sum equal to four times the amount annually devoted to the support of the dependents by the employee, not to exceed the sum of fifteen thousand dollars ($15,000). The death benefit in all cases shall be paid in installments in the same manner and amounts as temporary disability indemnity, payments to be made at least twice each calendar month, unless the appeals board otherwise orders.

Disability indemnity shall not be deducted from the death benefit and shall be paid in addition to the death benefit when the original injury resulting in death occurs after the effective date of the amendment to this section adopted at the 1949 Regular Session of the Legislature.

Every computation made pursuant to this section shall be made only with reference to death resulting from an original injury sustained after this section as amended during the 1968 First Extraordinary Session of the Legislature becomes effective; provided, however, that all rights presently existing under this section shall be continued in force.

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:

Failure to include this amendment in the 1968 amendments to this section was an oversight requiring immediate correction to give effect to the intent of the Legislature in reference to such earlier legislation.

CHAPTER 66

An act making an appropriation to the Emergency Fund in augmentation of Item 263, Budget Act of 1968.

[Approved by Governor May 1, 1969. Filed with Secretary of State May 1, 1969.]

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

SECTION 1. The sum of three million seven hundred eighty-six thousand six hundred thirty-one dollars ($3,786,631) is

hereby appropriated for the Emergency Fund in augmentation of and upon the same terms and conditions as the appropriation made by Item 263, 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 67

An act to add Section 1803.5 to the Probate Code, relating to conservators.

[Approved by Governor May 7, 1969. Filed with Secretary of State May 8, 1969.]

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

SECTION 1. Section 1803.5 is added to the Probate Code, to read:

1803.5. Every person appointed as a conservator may, instead of furnishing a surety bond, as otherwise required by this chapter, file with the clerk of the court a cash bond, or an assigned interest in an account or accounts in a bank or insured savings and loan association, or by the posting of bearer or endorsed bonds of the United States or of the State of California, in the amount required in the case of a surety bond when the surety is an authorized surety company, subject to increase or decrease as provided with respect to surety bonds, conditioned the same as required of such surety bond, and returnable to the conservator on the termination of his service.

CHAPTER 68

An act to maintain the Water Code by amending Sections 11910 and 12887.1 of, and repealing Chapter 9 (commencing with Section 12945) as added by Chapter 991 of the Statutes of 1965 to Part 6 of Division 6 of, the Water Code, relating to water resources.

[Approved by Governor May 7, 1969. Filed with Secretary of State May 8, 1969.]

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

SECTION 1. Section 11910 of the Water Code is amended to read:

11910. There shall be incorporated in the planning and construction of each project such features (including, but not limited to, additional storage capacity) as the department, after giving full consideration to any recommendations which may be made by the Department of Fish and Game, the De-

partment of Parks and Recreation, the Department of Harbors and Watercraft, any federal agency, and any local governmental agency with jurisdiction over the area involved, determines necessary or desirable for the preservation of fish and wildlife, and necessary or desirable to permit, on a year-round basis, full utilization of the project for the enhancement of fish and wildlife and for recreational purposes to the extent that such features are consistent with other uses of the project, if any. It is the intent of the Legislature that there shall be full and close coordination of all planning for the preservation and enhancement of fish and wildlife and for recreation in connection with state water projects by and between the Department of Water Resources, the Department of Parks and Recreation, the Department of Harbors and Watercraft, the Department of Fish and Game, and all appropriate federal and local agencies.

SEC. 2. Section 12887.1 of the Water Code is amended to read:

12887.1. A public agency may borrow money from and repay the same with interest to the state in accordance with this chapter on behalf of the entire public agency or of any portion or portions thereof for which the law applicable to the agency authorizes an indebtedness or liability to be incurred, including any improvement district, distribution district, or zone within the public agency, notwithstanding any debt limitation or other provision in the law applicable to such agency which might otherwise preclude or limit such borrowing.

SEC. 3. Chapter 9 (commencing with Section 12945) of Part 6 of Division 6 of the Water Code, as added by Chapter 991 of the Statutes of 1965, is repealed. The repeal made by this section shall not affect the existence or validity of Chapter 9 (commencing with Section 12945) of Part 6 of Division 6 of the Water Code, as added by Chapter 993 of the Statutes of 1965.

CHAPTER 69

An act to amend Section 4179.3 of the Health and Safety Code, relating to garbage and refuse disposal districts.

[Approved by Governor May 7, 1969. Filed with Secretary of State May 8, 1969.]

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

SECTION 1. Section 4179.3 of the Health and Safety Code is amended to read:

4179.3. Members of the district board may be allowed meal and actual necessary travel expenses incurred in the performance of official business of the district as approved by the district board.

Members of the district board, other than members who are full-time public employees, may also receive not more than

twenty-five dollars ($25) compensation for each day of actual attendance at the meetings of the board, such compensation to be established by order of the board and entered upon its minutes. No member of the district board shall, however, receive more than seventy-five dollars ($75) compensation in any calendar month. The chairman and secretary of the district board, if not full-time public employees, shall receive fifty dollars ($50) compensation per month in lieu of any other compensation to which they might be entitled by reason of attendance at board meetings.

As used in this section, (a) "public employee" means a public employee as defined in Section 811.4 of the Government Code, and (b) "compensation" does not include meal and actual necessary travel expenses.

SEC. 2. This act shall remain in effect until the 91st day after the final adjournment of the 1971 Regular Session of the Legislature, and shall have no force or effect after that date. Upon the termination date of this act the members of a board of garbage and refuse disposal district shall receive only the compensation prescribed prior to the enactment of this act.

CHAPTER 70

An act to amend Sections 71665.6 and 71675 of the Government Code, relating to fees, justice courts.

[Approved by Governor May 7, 1969. Filed with Secretary of State May 8, 1969.]

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

SECTION 1. Section 71665.6 of the Government Code is amended to read:

71665.6. The fee for issuing a writ of execution, a writ of possession, or any writ for the enforcement of any order or judgment is one dollar and fifty cents ($1.50).

SEC. 2. Section 71675 of the Government Code is amended to read:

71675. The fee for issuing an abstract of judgment is one dollar and fifty cents ($1.50).

CHAPTER 71

An act to amend Sections 71510, 72687, and 72709 of, and to add Section 71281 to, the Water Code, relating to municipal water districts.

[Approved by Governor May 7, 1969. Filed with Secretary of State May 8, 1969.]

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

SECTION 1. Section 71281 is added to the Water Code, to read:

71281. The board may enact any ordinance which adopts any code by reference following the procedures, definitions and provisions of Article 2 (commencing with Section 50020) of Chapter 1, Part 1, Division 1, Title 5 of the Government Code so far as they may be applicable.

SEC. 2. Section 71510 of the Water Code is amended to read:

71510. If, on the 74th day prior to the day fixed for the general district election, only one person has been nominated for each office of director to be filled at that election, or if no person has been nominated for any one or more of such offices, the board shall by resolution entered in its minutes order that an election shall not be held, and shall immediately request the board of supervisors of the principal county to make an appointment.

SEC. 3. Section 72687 of the Water Code is amended to read:

72687. The taxable property in the annexed areas shall be subject to taxation after the annexation thereof for the purposes of the improvement district, including the payment of the principal of and interest on bonds and other obligations of the improvement district authorized and outstanding at the time of the annexation. If the terms and conditions established by the board specifically so provide, the taxable property in the annexed area shall be subject to taxation as if the annexed property had always been a part of the improvement district.

SEC. 4. Section 72709 of the Water Code is amended to read:

72709. The taxable property in the annexed area shall be subject to taxation after the annexation thereof for the purposes of the improvement district, including the payment of the principal of and interest on bonds and other obligations of the improvement district authorized and outstanding at the time of the annexation. If the terms and conditions established by the board specifically so provide, the taxable property in the annexed area shall be subject to taxation as if the annexed property had always been a part of the improvement district.

CHAPTER 72

An act to add Section 13460.5 to the Education Code, relating to sabbatical leaves.

[Approved by Governor May 7, 1969. Filed with Secretary of State May 8, 1969.]

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

SECTION 1. Section 13460.5 is added to the Education Code, to read:

13460.5. If a unified school district which includes a junior college is reorganized so that a junior college district is formed in addition to the unified school district, an employee who takes his leave from the unified school district before the reorganization may satisfy the two years' service required by Section 13460 by serving for two years in either the junior college district or the unified school district, as they exist after the reorganization, or in both.

CHAPTER 73

An act to repeal Section 281 of the Health and Safety Code, relating to medical tests for newborn children.

[Approved by Governor May 7, 1969. Filed with Secretary of State May 8, 1969]

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

SECTION 1. Section 281 of the Health and Safety Code is repealed.

CHAPTER 74

An act to add Sections 12718.1, 12718.2, and 12718.3 to the Water Code, relating to flood control.

[Approved by Governor May 7, 1969. Filed with Secretary of State May 8, 1969]

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

SECTION 1. Section 12718.1 is added to the Water Code, to read:

12718.1. The project for flood control on Alhambra Creek in Contra Costa County is hereby adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 336, 90th Congress, as adopted and authorized by the Act of Congress approved August 13, 1968 (Public Law 90-483, 82 Stat. 731, 739, Title II, the Flood Control Act of 1968), at an estimated cost to the state of such sum 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 12718.2 is added to the Water Code, to read:

12718.2. The Contra Costa County Flood Control and Water Conservation District shall give assurances satisfactory to the Secretary of the Army that the local cooperation, required by the Act of Congress approved August 13, 1968 (Public Law 90-483, 82 Stat. 731, 739, Title II, the Flood Control Act of 1968), will be furnished by the district in connection with the project for flood control adopted and authorized in Section 12718.1.

SEC. 3. Section 12718.3 is added to the Water Code, to read:

12718.3. The Contra Costa County Flood Control and Water Conservation District, in conjunction with the Department of the Army, shall execute the plans and projects referred to in Section 12718.1, and may make modifications and amendments to the plans as may be necessary to execute them for the purposes of Chapters 1 (commencing with Section 12570) and 2 (commencing with Section 12639) of this part.

CHAPTER 75

An act to amend Section 49 of the Elections Code, relating to war voters.

[Approved by Governor May 7, 1969. Filed with Secretary of State May 8, 1969.]

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

SECTION 1. Section 49 of the Elections Code is amended to read:

49. "War voter" refers to an elector who comes within one of the following categories:

(a) Member of the armed forces of the United States or any auxiliary branch thereof.

(b) Employed by the United States and serving outside the territorial limits of the United States.

(c) Employed by the American Red Cross and serving outside the territorial limits of the United States.

(d) Employed as an officer or member of the crew of a merchant vessel documented under the laws of the United States and serving outside the territorial limits of the United States.

(e) Members of religious groups or welfare agencies assisting members of the armed forces, who are officially attached to and serving with the armed forces.

(f) Citizens of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia.

(g) Spouses and dependents of the persons enumerated in this section.

Subdivisions (e) and (g) of this section shall become operative only upon the enactment of federal legislation designating the persons mentioned in those subdivisions as war voters.

CHAPTER 76

An act to add Section 62708.5 to the Agricultural Code, relating to milk equalization pools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 7, 1969. Filed with Secretary of State May 8, 1969.]

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

SECTION 1. Section 62708.5 is added to the Agricultural Code, to read:

62708.5. A producer-distributor for the purposes of this chapter shall also include, as a separate and distinct category of producer-distributors, any producer and any distributor who purchases or distributes fluid milk or fluid cream produced by such producer if they meet the requirement that all of the ownership of the distributor and all of the ownership of the producer is owned by the same person or persons and their ownership in the producer or distributor is at least 95 percent identical for each person with their ownership in the distributor or producer. Such ownership shall not exceed 10 individual persons or owners of equitable interest in a partnership, corporation, or other legally constituted business association.

The ownership required by this section may be through a partnership, corporation or other legally constituted business association so long as the entities are owned by the same person or persons, and there is at least 95-percent identity of ownership for each person with their ownership in the distributor or producer. For the purposes of this section a "person" or "persons" includes the spouse, or other persons of lineal consanguinity of the first or second degree or collateral consanguinity to the fourth degree as defined in Sections 252 and 253 of the Probate Code, and their spouses, and includes an adopted child the same as a natural child and kindred of the half blood equally with those of the whole blood of the owner and ownerships by persons so related shall be considered single ownership by one person. For the purposes of this section, property pledged or hypothecated in any manner to others shall be considered "owned" so long as equitable ownership with management and control remain with the producer-distributor.

Ownership as provided in this section shall have existed at the time of the base period selected by the producer under Section 62707 and at all other times thereafter.

Any such producer-distributor shall have the option within 90 days of the enactment of this section at the 1969 Regular Session:

(a) To join and operate wholly within such pool, or

(b) To have its entire original production base and pool quota determined during the base period it selected as a producer pursuant to Section 62707, established as a part of such

pooling plan, and, nevertheless elect to operate entirely outside of the pool to the extent of the pool quota so determined.

Any producer-distributor who qualifies under this section and elects to operate outside the pool pursuant to the authority granted shall have the right to deduct its entire original pool quota from its own class I sales, including sales to subdistributors of packaged products, but excluding interdistributor sales whether in bulk or packaged, before being required to account to the pool, irrespective of the fact that the average class I usage in the pool for that month may be less than 100 percent of the pool quota in that pool.

Any production subject to this section from the producer-distributor selecting this option shall not have the right to participate in the quota pool, irrespective of the fact that the producer-distributor did not sell all of the quota as class I, and will participate in either the base pool or the overbase pool depending upon whether the original production base of the producer is sufficient to cover the milk delivered in excess of the class I usage exempted hereunder, otherwise the production in excess of the exempt producer-distributor's own class I sales as herein defined shall be accounted for as overbase milk.

The fact that a producer-distributor qualifies as to one of its milk production operations under this section does not prevent it from operating on an entirely separate nonqualifying basis (and therefore subject to pooling) at other milk production facilities, and with other nonqualifying persons at such other milk production facilities. A producer-distributor can neither buy nor sell pool quota and transfer therewith the option granted under this division but this shall not prevent him from purchasing or selling pool quota or production base as otherwise provided in this chapter.

If at any time ownership as defined in this section ceases, the producer-distributor shall no longer be eligible for the options in this section and shall account to the pool as a separate distributor and shall be entitled to reentry into producer participation in the pool on the same basis as a producer-distributor may under the last paragraph of Section 62708.

SEC. 2. The Legislature declares that this is a nonsubstantive change in the producer-distributor definition and that the inclusion of this definition in the pooling plan will be a nonsubstantive change in the plan including as such term is used in Section 62717.

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

In order for producer-distributors affected by this act to be able to initially enter the equalization pool on equitable terms with other producer-distributors, this act must be in effect immediately.

CHAPTER 77

An act to amend Section 21113 of the Vehicle Code, relating to traffic regulations.

[Approved by Governor May 13, 1969. Filed with Secretary of State May 13, 1969.]

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

SECTION 1. Section 21113 of the Vehicle Code is amended to read:

21113. (a) No person shall drive any vehicle or animal, nor shall any person, stop, park, or leave standing any vehicle or animal, whether attended or unattended, upon the driveways, paths, or the grounds of any public school, state university, state college, state, county, hospital district, or municipal airport, institution or building, or any educational institution exempted in whole or in part from taxation, except with the permission of, and upon and subject to such conditions and regulations as may be imposed by, the governing board or office of the public school, state university, state college, state, county, hospital district, or municipal airport, institution or building, or educational institution.

(b) Every governing board or officer shall erect or place appropriate signs giving notice of any special conditions or regulations that are imposed under this section and every board or officer shall also prepare and keep available at the principal administrative office of the board or officer, for examination by all interested persons, a written statement of all such special conditions and regulations adopted under this section.

(c) When any governing board or officer permits public traffic upon the driveways, paths or grounds under their control then, in the absence of any special condition or regulations applicable to the traffic, all the provisions of this code relating to traffic upon the highways shall be applicable to the traffic upon the driveways, paths, or grounds.

CHAPTER 78

An act to amend Section 8214.1 of the Government Code, relating to notaries public.

[Approved by Governor May 13, 1969. Filed with Secretary of State May 13, 1969.]

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

SECTION 1. Section 8214.1 of the Government Code is amended to read:

8214.1. The Secretary of State may refuse to appoint any person as notary public upon any of the grounds set forth

in subdivisions (a) and (b) hereof, and the Secretary of State may revoke or suspend the commission of any notary public upon any of the following grounds:

(a) Conviction of a felony or of a lesser offense involving moral turpitude or of a nature incompatible with the duties of a notary public.

(b) Revocation or suspension of a professional license, if such revocation or suspension was for misconduct or dishonesty.

(c) Failure to fully and faithfully discharge any of the duties required of him by this chapter.

(d) When adjudged liable for damages in any suit grounded in fraud, misrepresentation or violation of the state regulatory laws or in any suit based upon his failure to discharge fully and faithfully his duties as a notary public.

If there is a revocation or suspension of a commission pursuant to this section, or a denial of a commission, the person affected shall have the right to a hearing on the matter and such proceeding shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

CHAPTER 79

An act to add Article 1.6 (commencing with Section 4430) to Chapter 4 of Part 2 of Division 5 of the Health and Safety Code, relating to pollution by vessels.

[Approved by Governor May 13, 1969. Filed with Secretary of State May 13, 1969]

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

SECTION 1. Article 1.6 (commencing with Section 4430) is added to Chapter 4 of Part 2 of Division 5 of the Health and Safety Code, to read:

Article 1.6. Pollution by Vessels

4430. As used in this article:

(a) "Vessel" means every description of craft or other contrivance used, or capable of being used, as a means of transportation in or on water.

(b) "Navigable waters" means all public waters of the state in any river, stream, lake, reservoir, or other body of water, including all salt water bays, inlets, and estuaries within the jurisdiction of the state.

4431. No person shall place, deposit, or dump any human excreta in or upon the navigable waters of this state, which are within any marina, yacht harbor, fresh water lake, or fresh water impoundment, from any vessel tied to any dock, slip,

or wharf that has toilet facilities available for the use of persons on such vessel.

4432. It is not the intent of the Legislature in enacting this article to preempt the field of pollution by vessels, and the provisions of this article do not prohibit the enactment or enforcement of any ordinance by any city, county, or district having the power to regulate pollution by vessels, which is stricter than the provisions of this article.

4433. Any violation of this article is a misdemeanor.

CHAPTER 80

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

[Approved by Governor May 13, 1969. Filed with Secretary of State May 13, 1969]

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

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

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

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

(b) Producers of agricultural commodities or livestock, weighing commodities produced or purchased by them or by their producer neighbors, when no charge is made for such weighing, or no signed or initialed statement or memorandum is issued of the weight upon which a purchase or sale of the commodity is based; except that when such weight is to be used by a processor as basis of payment there shall be no exception to the provisions of Section 12734.

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

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

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

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

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

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

(i) Employees of garbage and refuse disposal districts operating pursuant to Chapter 1.5 (commencing with Section 4170) of Part 2 of Division 5 of the Health and Safety Code, who are authorized by the board of such districts to weigh garbage and refuse when performing such duties.

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

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

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

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

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

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

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

(f) Employees of garbage and refuse disposal districts operating pursuant to Chapter 1.5 (commencing with Section 4170) of Part 2 of Division 5 of the Health and Safety Code, who are authorized by the board of such districts to weigh garbage and refuse when performing such duties.

CHAPTER 81

An act to amend Section 254.5 of the Revenue and Taxation Code, relating to property taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 13, 1969. Filed with Secretary of State May 13, 1969.]

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

SECTION 1. Section 254.5 of the Revenue and Taxation Code is amended to read:

254.5. Affidavits for the welfare exemption shall be filed in duplicate on or before March 15 of each year with the assessor concerned and shall be accompanied by duplicate certified copies of the financial statements of the owner and operator. Copies of the affidavits and financial statements shall be forwarded not later than April 1 by the assessor with his recommendations for approval or denial to the board which shall review all such affidavits and statements and may institute an independent audit or verification of the operations of the owner and operator to ascertain whether both the owner and operator meet the requirements of Sections 214 and 215 of the Revenue and Taxation Code. In this connection the board shall consider, among other matters, whether:

(a) The services and expenses of the owner or operator (including salaries) are excessive, based upon like services and salaries in comparable public institutions;

(b) The operations of the owner or operator, either directly of indirectly, materially enhance the private gain of any individual or individuals;

(c) Any capital investment of the owner or operator for expansion of physical plant is justified by the contemplated return thereon, and required to serve the interests of the community.

(d) The property on which exemption is claimed is used for the actual operation of an exempt activity and does not exceed an amount of property reasonably necessary to the accomplishment of the exempt purpose.

The board shall make a finding as to the eligibility of each applicant and the applicant's property and shall forward its finding to the assessor concerned not later than June 1. In a case where the board conducts a hearing with respect to the eligibility of the applicant and the applicant's property, the time for making the finding and forwarding it to the assessor concerned is extended to no later than June 15. The assessor may deny the claim of an applicant the board finds eligible but may not grant the claim of an applicant the board finds ineligible.

SEC. 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:

Many applicants for the welfare exemption whom the State Board of Equalization has found ineligible for the exemption are requesting hearings by the board. As a result, the board has not been able to complete hearings prior to June 1. It is therefore necessary that the time within which the board shall forward to the assessor its findings with respect to the eligibility of each applicant be extended to not later than June 15. and that this bill become effective prior to June 1, 1969, if it is to be operative for the fiscal year commencing July 1, 1969.

CHAPTER 82

An act to amend Section 6 of, and to add Section 21.5 to, the Lassen-Modoc County Flood Control and Water Conservation District Act (Chapter 2127 of the Statutes of 1959), relating to the Lassen-Modoc County Flood Control and Water Conservation District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 13, 1969. Filed with Secretary of State May 13, 1969.]

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

SECTION 1. Section 6 of the Lassen-Modoc County Flood Control and Water Conservation District Act (Chapter 2127 of the Statutes of 1959) is amended to read:

Sec. 6. The board may institute projects for single zones and joint projects for two or more zones, for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement for the common benefit of such zone or participating zones. "Project" includes a contract with the United States for a water supply for any purpose. For the purpose of acquiring authority to proceed with any project, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimate or the cost of same to be borne by the particular zones or participating zones and fixing a time and place for public hearing of the resolution and which shall refer to a map showing the general location and general construction of the project. Where a project consists of a contract with the United States for a water supply from a proposed federal reclamation project, the board, for the purpose of acquiring authority to proceed with the project, may so adopt a resolution specifying its intention to undertake such project and thereafter proceed pursuant to the provisions of this section, at any time after a report of the Secretary of the Interior on the proposed federal project has been transmitted to the state for its written views and comments.

Notice of such hearing shall be given by publication once a week for two consecutive weeks prior to the hearing. The last publication of the notice shall be at least seven days before the hearing in a newspaper of general circulation designated by the board, circulated in such zone or each of the participating zones, if there be such a newspaper. If there is no such newspaper, then by posting notice for two consecutive weeks prior to the hearing in five public places designated by the board, in such zone or in each of the participating zones. The notice must designate a public place in such zone or in each of the participating zones where a copy or copies of the map or maps of the joint project may be seen by any interested

person; such map must be posted in each of the public places so designated in the notice at least two weeks prior to the hearing.

At the time and place fixed for the hearing, or at any time to which the hearing may be continued, the board shall consider all written and oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon the proposed project or proceed with the same, unless prior to 30 days after the conclusion of the hearing written protests against the proposed project, signed by a majority in number of landowners, if the project is a contract with the United States for a water supply, or by either a majority in number of the registered voters or freeholders residing within such zone or participating zones if the project is for some other purpose, are filed with the board. In that event, further proceedings relating to such project must be suspended for not less than six months following the date of the conclusion of the hearing, or the proceeding may be abandoned in the discretion of the board

SEC. 2. Section 21.5 is added to the Lassen-Modoc County Flood Control and Water Conservation District Act (Chapter 2127 of the Statutes of 1959), to read:

Sec. 21.5. Where a project consists of a contract with the United States for a water supply from a proposed federal reclamation project and a zone or zones have been created for such project, the board, in addition to any other taxes authorized to be levied under this act, may levy in the zone or zones for which the project has been instituted a tax for the purpose of paying any expenses which may be incurred by the district to formulate and present its plan justifying construction of the proposed federal reclamation project.

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:

Federal reclamation projects are an important source of urgently needed water for the Lassen-Modoc Flood Control and Water Conservation District and the earliest possible completion of proposed federal reclamation projects is of the highest importance to the district. This act would enable the district to take effective measures to plan for and secure the earliest possible implementation of proposed federal reclamation projects which are urgently needed to assure an adequate water supply for the people of the district. In order to ensure that these measures will be available to the district in connection with certain presently proposed projects which are urgently needed for the welfare of the district, it is necessary that this act go into immediate effect.

CHAPTER 83

An act to add Section 31671.7 to the Government Code, relating to the County Employees Retirement Law of 1937, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 13, 1969. Filed with Secretary of State May 13, 1969.]

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

SECTION 1. Section 31671.7 is added to the Government Code, to read:

31671.7. Nothing in Section 31671 shall prevent an elective member who is a constable from remaining a member until the end of the term of elective office which is not completed when, solely by operation of law, he becomes a nonelective marshal or deputy marshal after attaining age 70.

This section shall not be effective in any county until it is adopted by the board of supervisors by resolution, and shall in any event become inoperative after December 31, 1972.

This section shall apply to any person who was a constable on January 1, 1969.

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

The consolidation of the Antioch Judicial District and the Pittsburg Judicial District of Contra Costa County has been proposed in order to effectuate the long-standing state policy on such consolidations, and to increase the efficiency in the administration of justice. This consolidation could operate to force the unanticipated and immediate and unconsented to shortening of the career of an elective constable who would be ineligible for further employment by operation of Section 31671 of the Government Code, so that said consolidation of the Antioch and the Pittsburg Judicial Districts would be further delayed.

CHAPTER 84

An act to provide for the implementation of the welfare exemption from property taxation.

[Approved by Governor May 13, 1969. Filed with Secretary of State May 13, 1969.]

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

SECTION 1. (a) Property owned by a nonprofit corporation which was otherwise qualified for the welfare exemption from property taxation for any fiscal year commencing during the calendar year 1968, except that on the lien date for that

year the articles of incorporation of any such nonprofit corporation provided that the nonprofit corporation contemplated the distribution of gains, profits or dividends to its members upon dissolution or winding up, shall be exempt from property taxation for any fiscal year commencing during the calendar year 1968, if the nonprofit corporation does all of the following:

(1) Files an affidavit with the assessor prior to the lien date in 1970 that the property of the nonprofit corporation was on the lien date in 1968 and has been since then irrevocably dedicated to religious, charitable, scientific or hospital purposes and upon liquidation, dissolution or abandonment of the owner would not inure to the benefit of any private person, except a fund, foundation or corporation organized and operated for religious, hospital, scientific or charitable purposes.

(2) Amended its articles of incorporation during the calendar year 1968, even though not within the time specified in Section 214.01 of the Revenue and Taxation Code, to provide that the property of the nonprofit corporation is irrevocably dedicated to religious, charitable, scientific or hospital purposes and upon liquidation, dissolution or abandonment of the owner will not inure to the benefit of any private person, except a fund, foundation or corporation organized and operated for religious, charitable, scientific or hospital purposes.

(b) If the provisions of subdivision (a) have been complied with, any tax, or penalty or interest thereon, for any fiscal year commencing during the calendar year 1968, on property otherwise eligible for the welfare exemption and owned by the corporation complying therewith 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.

SEC. 2 The Legislature finds that problems have been created over the years by a need to balance the best interests of government against the benefits conferred upon society as a whole by charitable and other tax-exempt organizations. At its 1967 Regular Session, the Legislature amended Section 214.01 of the Revenue and Taxation Code to grant organizations applying for the welfare exemption from property taxation a period of six months to amend their articles of incorporation to include a proper statement that an applicant's property is irrevocably dedicated to religious, charitable, scientific or hospital purposes. However, in a few instances, it is now apparent that this extension of time has not been sufficient.

To require these organizations to pay property taxes from which they are exempt under Section 214 of the Revenue and Taxation Code would seriously hamper the ability of these

organizations to function effectively and would cause them to divert funds from purposes which benefit the entire state. It is the purpose of this act to remedy the situation and, in effect, remove the procedural safeguards the Legislature has imposed to permit these organizations to claim their tax exemptions, in order that they may carry out the public policy of this state as expressed in the Constitution.

CHAPTER 85

An act to amend Section 594 of the Code of Civil Procedure, relating to trials.

[Approved by Governor May 13, 1969. Filed with Secretary of State May 13, 1969.]

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

SECTION 1. Section 594 of the Code of Civil Procedure is amended to read:

594. 1. In superior courts and municipal courts either party may bring an issue to trial or to a hearing, and, in the absence of the adverse party, unless the court, for good cause, otherwise directs, may proceed with his case and take a dismissal of the action, or a verdict, or judgment, as the case may require; provided, however, if the issue to be tried is an issue of fact, proof shall first be made to the satisfaction of the court that the adverse party has had five days' notice of such trial. If the adverse party has served notice of trial upon the party seeking the dismissal, verdict, or judgment at least five days prior to the trial, the adverse party shall be deemed to have had such notice.

2. In justice courts if either party fails to appear at the time fixed for trial, the trial may proceed at the request of the adverse party. When all the parties served with process have appeared, or when some of them have appeared and the default of the others has been entered, the judge shall fix the day for trial, whether the issue be one of law or fact, and the day fixed for trial shall be entered on the docket. Notice of the day fixed for trial shall be given, as herein provided, to the parties to the action who have appeared. Such notice shall be in writing, signed by the judge, or by the clerk if there be a clerk, and substantially in the following form:

In the Justice Court, _____ Judicial District, County of _____, State of California.

_____ _____, Plaintiff,
vs.
_____ _____, Defendant.

To _____, plaintiff (or attorney for plaintiff) and to _____, defendant (or attorney for defendant).

You and each of you will please take notice that the undersigned judge before whom the above-entitled cause is pending, has set for hearing the demurrer of _____, filed in said cause (or has set the said cause for trial, as the case may be), before me at my office in said judicial district, at _____ o'clock, ____m., on the _____ day of _____, 19___.

Dated this _____ day of _____, 19___.

(Signed) _____,
Judge.

By _____,
Clerk (if signed by clerk).

When a party has appeared by attorney, the notice may be served upon the attorney either personally, by mail, or in the manner prescribed by subdivision 1 of Section 1011.

When a party appears in person, he shall leave with the judge, or with the clerk if there be a clerk, an address where service of such notice may be made, which shall be entered upon the docket; and such notice may, if the address is within the county in which the cause is pending, be served on the party personally if he can be found at the address; otherwise, it may be served by mail in the manner hereinafter specified

When such notice is personally served, it shall be served at least five days before the day fixed for trial, and may be served by any person competent to serve a summons in such justice court. It shall be served, returned, and filed in the same manner as a summons.

When such notice is served by mail, it shall be served as follows: For each person who is to be served with such notice, the judge, or clerk if there be a clerk, shall place a copy of such notice in an envelope, seal it, address it to the person on whom it is to be served at his place of residence (or at his office if he is an attorney), and deposit it in the post office at least 10 days before the day fixed for the trial, with the postage prepaid thereon.

When such notice is served by mail, the judge shall enter on his docket the date of mailing such notice, and the entry shall be prima facie evidence of the fact of service

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CHAPTER 86

An act to amend Section 32 of Chapter 1 of the Statutes of the 1968 First Extraordinary Session of the Legislature, relating to the homeowner's property tax exemption, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 14, 1969 Filed with Secretary of State May 14, 1969]

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

SECTION 1. Section 32 of Chapter 1 of the Statutes of the 1968 First Extraordinary Session of the Legislature is amended to read:

Sec. 32. For the 1968–1969 fiscal year only, the one hundred eighty-three million seven hundred fifty thousand dollars ($183,750,000) appropriated by Section 30 from the Homeowner's Property Tax Relief Fund shall be allocated in the manner specified in Section 33.5 and in the following manner:

(a) Between the lien date in 1969 and 5 o'clock p.m. on May 23, 1969, the assessor shall make claim forms available which shall include a statement in all claims for the homeowners' property tax exemption for the 1969–1970 fiscal year to determine if the homeowners also owned and occupied a dwelling entitled to the homeowner's property tax exemption as their principal place of residence on the lien date in 1968. The assessor shall also make claim forms available between the lien date in 1969 and 5 o'clock p.m. on May 23, 1969, for any person who owned such a dwelling in the county on the lien date in 1968, which they occupied on that date as their principal place of residence and which was assessed for ad valorem property taxes for the 1968–1969 fiscal year. Such forms shall be filed by the taxpayer between the lien date and May 23, 1969. Out of the funds authorized for allocation pursuant to this section, fifty cents ($0.50) shall be allocated during the 1968–1969 fiscal year to each county and city and county for each application certified by the assessor of such county or city and county pursuant to this section. The preceding sentence shall apply only to the 1968–1969 fiscal year and is intended to assist counties with the initial expense of administration of the homeowner's property tax exemption.

The State Board of Equalization shall prescribe the contents of the claims forms to be made available by assessors and shall notify assessors of the contents specified, on or before December 31, 1968. Each assessor shall incorporate the specifications on the claims forms he makes available. The board may also prescribe rules and regulations to govern assessors in processing claims for payments for property tax relief to homeowners for the 1968–1969 fiscal year.

(b) All claims received and approved by the assessor pursuant to subdivision (a) for the lien date in 1968 shall be compiled into a certified list by the assessor containing the name and current mailing address of each claimant entitled to the homeowners' property tax exemption for the 1968–1969 fiscal year The list shall be mailed to the Controller on or before May 15, 1969; provided, however, that a supplemental list of claims filed between April 16, 1969, and May 23, 1969, shall be mailed to the Controller on or before July 1, 1969.

(c) On or before June 15, 1969 (or August 1, 1969, in the case of claimants on a supplemental list), the Controller shall draw his warrant in the amount of seventy dollars ($70) in favor of each authorized claimant on an assessor's list submitted pursuant to subdivision (b). The warrant shall be accompanied by a statement that the amount so paid is property tax relief provided by the Legislature.

The addition of Section 1d to Article XIII of the State Constitution proposed by Senate Constitutional Amendment No. 1 of the 1968 First Extraordinary Session will not be presented to the voters until November 5, 1968, which will occur too late to provide property tax relief to homeowners for the 1968–1969 fiscal year in the manner otherwise provided by law. It is the purpose of this section to provide a different means of allocating such relief to homeowners for the 1968–1969 fiscal year only.

(d) Out of the funds authorized for allocation pursuant to this section, the sum of two hundred fifty thousand dollars ($250.000) shall be retained by the Controller to carry out the duties imposed on him by this section.

(e) The payments made pursuant to subdivision (c) are in lieu of the exemption provided for in Section 218 of the Revenue and Taxation Code. Only one payment shall be allowed for each dwelling pursuant to this section and the assessor shall not certify claims for the same dwelling from more than one person.

Any allocation made or expense incurred pursuant to this section in connection with claims for the homeowner's property tax exemption filed for the 1968–1969 fiscal year shall be considered as having been made or incurred during such fiscal year for purposes of this section.

SEC. 2. Notwithstanding the provisions of Section 255.1 of the Revenue and Taxation Code, affidavits required for the homeowner's property tax exemption from property taxation for the 1969–1970 fiscal year may be filed no later than 5 o'clock p.m on May 23, 1969.

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

The large number of claims filed for the homeowner's property tax exemption has made it difficult for all eligible homeowners to file their claims by April 15, 1969, and for county assessors to process these claims by May 15, 1969. This act will remove the procedural bars to the filing and processing of these claims, in order that the public purpose expressed in the Constitution may be carried out. In order for this remedy to be available as soon as possible, it is necessary that this act go into immediate effect.

CHAPTER 87

An act to amend Sections 660, 664.5, and 667a of the Code of Civil Procedure, relating to civil actions.

[Approved by Governor May 15, 1969. Filed with Secretary of State May 15, 1969.]

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

SECTION 1. Section 660 of the Code of Civil Procedure is amended to read:

660. On the hearing of such motion, reference may be had in all cases to the pleadings and orders of the court on file, and when the motion is made on the minutes, reference may also be had to any depositions and documentary evidence offered at the trial and to the report of the proceedings on the trial taken by the phonographic reporter, or to any certified transcript of such report or if there be no such report or certified transcript, to such proceedings occurring at the trial as are within the recollection of the judge; when the proceedings at the trial have been phonographically reported, but the reporter's notes have not been transcribed, the reporter must upon request of the court or either party, attend the hearing of the motion and shall read his notes, or such parts thereof as the court, or either party, may require.

The hearing and disposition of the motion for a new trial shall have precedence over all other matters except criminal cases, probate matters and cases actually on trial, and it shall be the duty of the court to determine the same at the earliest possible moment.

Except as otherwise provided in Section 12a of this code, the power of the court to rule on a motion for a new trial shall expire 60 days from and after the mailing of notice of entry of judgment by the clerk of the court pursuant to Section 664.5 or 60 days from and after service on the moving party by any party of written notice of the entry of the judgment, whichever is earlier, or if such notice has not theretofore been given, then 60 days after filing of the notice of intention to move for a new trial. If such motion is not determined within said period of 60 days, or within said period as thus extended, the effect shall be a denial of the motion without further order of the court. A motion for a new trial is not determined within the meaning of this section until an order ruling on the motion (1) is entered in the permanent minutes of the court or (2) is signed by the judge and filed with the clerk. The entry of a new trial order in the permanent minutes of the court shall constitute a determination of the motion even though such minute order as entered expressly directs that a written order be prepared, signed and filed. The minute entry shall in all cases show the date on which the order actually is entered in the permanent minutes, but failure to comply with this direction shall not impair the validity or effectiveness of the order.

SEC. 2. Section 664.5 of the Code of Civil Procedure is amended to read:

664.5. Promptly upon entry of judgment in a contested action or special proceeding in a superior or municipal court, the clerk of the court shall mail notice of entry of judgment to all parties who have appeared in the action or special pro-

ceeding and shall execute a certificate of such mailing and place it in the court's file in the cause. For purposes of this section, "judgment" includes any judgment, decree, or signed order from which an appeal lies.

Upon order of the court in any action or special proceeding, the clerk shall mail notice of entry of any judgment or ruling, whether or not appealable.

SEC. 3. Section 667a of the Code of Civil Procedure is amended to read:

667a. Promptly upon entry of judgment in a contested action or special proceeding in a justice court, the clerk of the court or the judge shall mail notice of entry of judgment to all parties who have appeared in the action or special proceeding and shall execute a certificate of such mailing and place it in the court's file in the cause. For purposes of this section, "judgment" includes any judgment, decree, or signed order from which an appeal lies.

Upon order of the court in any action or special proceeding, the clerk or the judge shall mail notice of entry of any judgment or ruling, whether or not appealable.

CHAPTER 88

An act to amend Section 224 of, and to add Section 271.4 to, the Revenue and Taxation Code, relating to property tax exemptions and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 20, 1969. Filed with Secretary of State May 20, 1969.]

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

SECTION 1. Section 224 of the Revenue and Taxation Code is amended to read:

224. The personal effects and household furnishings of any person in excess of the amount of any exemption allowed to the person on any property pursuant to Section 10½ of Article XIII of the State Constitution shall be exempt from taxation.

The phrase "personal effects and household furnishings" does not include boats, aircraft, vehicles, or personalty held or used in connection with a trade, profession or business.

SEC. 2. Section 271.4 is added to the Revenue and Taxation Code, to read:

271.4. When property is acquired after the beginning of any fiscal year by an organization qualified for the college, cemetery, church, exhibition, orphanage or welfare exemption and the property is of a kind which would have qualified for an exemption if it had been owned by such organization on the lien date, whether or not that organization was in existence on the lien date, the tax and any penalty or interest imposed thereon shall be canceled in the proportion that the num-

ber of days for which the property was so qualified during the fiscal year bears to 365. The tax, and penalty or interest 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 first day of March of the calendar year next succeeding the calendar year in which the property was acquired.

SEC. 3. Notwithstanding any other provision of law, 75 percent of any tax and all of any penalty or interest on the total tax, for any fiscal year commencing during the calendar year 1968 on property owned by any organization qualified for the church exemption pursuant to Sections 206 and 206.1 of the Revenue and Taxation Code which was acquired by it during that calendar year after the lien date in that year but prior to October 5, 1968, 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; however, no claim for a cancellation or refund of taxes pursuant to this section shall be granted if an appropriate application for exemption is not filed on or before 30 days after this act is enacted into law.

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

Some organizations qualified for the church exemption pursuant to Sections 206 and 206.1 of the Revenue and Taxation Code purchased property during the 1968 calendar year, after the lien date for that year, which property was taxed for the fiscal year 1968–69, although it would have been exempt from taxation for that year by reason of the church 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 religious organizations, as expressed in

Section 1½ of Article XIII of the Constitution, will be subserved and the state as a whole will benefit.

In addition, there is nonuniformity in the manner in which assessors are applying the exemption for personal effects and household furnishings and in order to avoid confusion and to assure that all persons in the same circumstances throughout the state will be treated equally, it is necessary to immediately clarify the intention of the Legislature in providing the exemption.

CHAPTER 89

An act to amend Section 17 of the San Benito County Water Conservation and Flood Control District Act (Chapter 1598 of the Statutes of 1953), relating to the San Benito County Water Conservation and Flood Control District.

[Approved by Governor May 20, 1969. Filed with Secretary of State May 20, 1969.]

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

SECTION 1. Section 17 of the San Benito County Water Conservation and Flood Control District Act (Chapter 1598 of the Statutes of 1953) is amended to read:

Sec. 17. The board shall have power, in any year:

To levy taxes upon all land in each or any of said zones, or in the case of zones created for flood control, on all land and the improvements thereon, according to benefits derived or to be derived therein to pay the cost and expenses of carrying out any of the objects or purposes of this act of benefit to such zones, including the administering, constructing, maintaining, operating, extending, repairing, or otherwise improving any or all works of improvement established or to be established within or on behalf of said respective zones and, additionally, within the administrative assessment zone, for the administrative costs of all such zones. Said taxes shall be based upon the assessment rolls used by the county for general tax purposes.

In the event of project cooperation with any of the governmental bodies as authorized in subdivision 7 of Section 6 of this act, and the making of a contract with any such governmental body for the purposes set forth in said subdivision 7, by the terms of which work is agreed to be performed by any such governmental body, or with reimbursable funds of such governmental body, in any specified zone or participating zones, for the particular benefit thereof, and by said contract it is agreed that the district is to pay to such governmental body, a sum of money in consideration or subvention for the performance of said work by such governmental body, the board may levy and collect a special tax upon the property in such zone or participating zones, whereby to raise funds to enable the district to make such payment.

Said taxes shall be levied and collected together with, and not separately from taxes for county purposes, and the revenues derived from said taxes shall be paid into the county treasury to the credit of said district, and the respective zones thereof, and the board shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes levied under the provisions of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone, except in the case of joint projects, or for projects authorized or established outside such zone, or zones, but for the benefit thereof. Notwithstanding the foregoing provision or any other provision of law, any revenues paid into the county treasury to the credit of any zone of the district which the board determines to be not presently needed for any of the objects or purposes for which such revenues may be expended pursuant to this section, may be expended by the board to meet any costs or expenses for the benefit of another zone or the initial expenses associated with the establishment of such other zone, including, but not limited to, any engineering studies; provided, however, that any revenues so expended by the board for the benefit of such borrowing zone shall be repaid into the county treasury to the credit of the lending zone from funds available for expenditure for the benefit of the borrowing zone and within such period of time and at such rate of interest as shall be specified by the board at the time of such expenditure; any funds available for expenditure for the benefit of any zone are hereby authorized to be available for such reimbursement of funds expended for the benefit of the zone. In cases of projects joint to two or more zones, such zones will become, and shall be referred to as, participating zones.

CHAPTER 90

An act to amend Section 565 of the Vehicle Code, relating to special construction equipment.

[Approved by Governor May 20, 1969. Filed with Secretary of State May 20, 1969]

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

SECTION 1. Section 565 of the Vehicle Code is amended to read:

565. "Special construction equipment" is:

(a) Any vehicle used primarily off the highways for construction purposes and which moves only occasionally over the highways and which because of the length, height, width, or unladen weight may not move over the public highways unladen without the permit specified in Section 35780.

(b) Any vehicle which is designed and used primarily either for grading of highways, paving of highways, earth moving, and other construction work on highways, or for construction or maintenance work on railroad rights-of-way, and which is not designed or used primarily for the transportation of persons or property and which is only incidentally operated or moved over the highway. It includes, but is not limited to, road and railroad construction and maintenance machinery so designed and used such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, track-type tractors, crawler tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, water wagons, power shovels and draglines, speed swings, skip loaders, weed mowers, self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations which either (1) are in excess of 96 inches in width or (2) which, because of their length, height or unladen weight, may not be moved on a public highway without the permit specified in Section 35780 of this code and which are not operated laden except within the boundaries of the job construction site, and other similar types of construction equipment.

CHAPTER 91

An act to amend Section 22356 of the Vehicle Code, relating to vehicle speed limits.

[Approved by Governor May 20, 1969. Filed with Secretary of State May 20, 1969.]

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

SECTION 1. Section 22356 of the Vehicle Code is amended to read:

22356. Whenever the Department of Public Works, after consultation with the Department of the California Highway Patrol, determines upon the basis of an engineering and traffic survey on existing freeway segments, or upon the basis of appropriate design standards and projected traffic volumes in the case of newly constructed freeway segments, that a speed greater than 65 miles per hour would facilitate the orderly movement of vehicular traffic and would be reasonable and safe upon any state highway or portion thereof which is a freeway with full control of access and without crossings at grade otherwise subject to a maximum speed limit of 65 miles per hour, the Secretary of the Business and Transportation Agency may declare a higher maximum speed of 70 miles per hour, and shall cause appropriate signs to be erected giving notice thereof.

No person shall drive a vehicle upon such highway at a speed greater than 70 miles per hour.

CHAPTER 92

An act to amend Section 31 of the Santa Clara County Flood Control and Water District Act (Chapter 1405 of the Statutes of 1951), relating to the Santa Clara County Flood Control and Water District.

[Approved by Governor May 20, 1969. Filed with Secretary of State May 20, 1969.]

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

SECTION 1. Section 31 of the Santa Clara County Flood Control and Water District Act (Chapter 1405 of the Statutes of 1951) is amended to read:

Sec. 31. The legal title to all property, except shares of stock in mutual water companies or corporations, as provided in Section 31d of Article IV of the Constitution, acquired under the provisions of this act shall immediately and by operation of law vest in said district, and shall be held by said district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property, as herein provided; and said board may determine, by resolution duly entered in their minutes that any real property, or interest therein, held by said district is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell, lease or otherwise dispose of said property pursuant to this section.

Real property which, in the unanimous judgment of the board does not have a sale value in excess of five hundred dollars ($500), or a rental value in excess of fifty dollars ($50) per month, as determined by a qualified land appraiser, or which has no access to a public road, or which consists of an easement for ingress and egress to property which, by the terms of said easement will terminate when ingress and egress is supplied to said property by a public road may be sold, leased, or conveyed by the board on terms prescribed by it.

The board may reconvey real property to the former owner by whom such property was conveyed, or from whom such property was condemned by the district, or his successor in interest for a price not less than that paid by the district for such property.

The board may by a five-sevenths vote exchange real property of equal value with any person, firm or corporation for the purpose of removing defects in the title to real property owned by the district or where the real property to be exchanged is not required for district use and the property to be acquired is required for district use.

The board may convey easements to public utility corporations in the manner prescribed by Section 50335 of the Government Code.

The board may vacate public service easements in the manner prescribed by Sections 50430 through and including 50445 of the Government Code.

In all other cases, the board shall be governed in the sale or lease or other disposition of real property by the requirements of Sections 25526, 25527, 25530 through and including 25535 of the Government Code providing for such action by counties; provided, however, that notice of the board's intended action shall be as prescribed in Section 25363 of the Government Code.

The board may by a five-sevenths vote sell, lease, or otherwise transfer to the state, the County of Santa Clara, or to any city, school district or other special district within the Santa Clara County Flood Control and Water District, or exchange with such public entities any real or personal property or interest therein belonging to the district upon such terms and conditions as are agreed upon.

The board shall establish regulations for the trade in, survey, sale or other disposition of personal property held by said district and no longer necessary to be retained for the uses and purposes thereof; provided, that any sale of personal property having a sale value in excess of one hundred dollars ($100), as determined by the board, shall be made upon public bid preceded by notice of the board's intended action given as prescribed in Section 25363 of the Government Code.

CHAPTER 93

An act relating to the average daily attendance of pupils, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 20, 1969. Filed with Secretary of State May 20, 1969.]

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

SECTION 1. During the fiscal year 1968–1969, all districts maintaining a kindergarten shall report separately on the second period and the fiscal year attendance reports, the days of attendance for all single session kindergarten classes that were maintained after November 13, 1968, for less than 180 minutes with a full-time teacher, less than 180 minutes with a part-time teacher, or 180 minutes or more with a part-time teacher.

For the time such classes were maintained, the Superintendent of Public Instruction shall multiply those days of attendance reported by the ratio that the minutes the classes were maintained bears to 180, and by the ratio that the time for which the teacher was employed bears to the time of employment of a full-time teacher. Such adjusted days of attendance shall then be added to the days of attendance which met the statutory requirements, before computing the aver-

age daily attendance for the period, pursuant to Section 11301 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:

In order to provide for a more equitable apportionment of funds in the 1968–1969 fiscal year to school districts maintaining a kindergarten, and in order that the intent of the Legislature that the apportionment of funds be based upon the amount of services provided take place at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 94

An act to add Section 24050 to the Business and Professions Code, relating to alcoholic beverages, and declaring the urgency thereof to take effect immediately.

[Approved by Governor May 20, 1969. Filed with Secretary of State May 20, 1969.]

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

SECTION 1. Section 24050 is added to the Business and Professions Code, to read:

24050. Notwithstanding any other provision of law, if the department finds that the seasonal business of an on-sale general licensee for seasonal business has been impaired because of conditions resulting from natural disaster, it may issue an extension to such a general license for seasonal business in an area declared to be a disaster area by the Governor. The provisions of this section shall have no force and effect after December 31, 1969.

SEC. 2. This act is an urgency statute necessary for the public peace, 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 flooding and extraordinary snowfall caused by recent disastrous storms have rendered inaccessible for long periods of time many recreational areas and sports facilities throughout this state. Persons holding on-sale general alcoholic beverage licenses for seasonal business are located in these areas, and rely for most of their business upon those persons who, but for the closing of the areas by storms, would visit the areas for sports and recreational purposes during a part of the year. In many of these areas the on-sale general seasonal licenses issued by the Department of Alcoholic Beverage Control will expire on the last day of March, 1969. Present regulations of the department prohibit the issuance of a seasonal license for more than three consecutive calendar quarters during any

12-month period. The formerly closed areas are once more accessible to visitors, and further great loss of business will result to the holders of these licenses unless the licenses may be extended by the department. It is therefore necessary that this act go into immediate effect.

CHAPTER 95

An act to amend Section 33445 of the Health and Safety Code, relating to property redevelopment, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 20, 1969. Filed with Secretary of State May 20, 1969.]

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

SECTION 1. Section 33445 of the Health and Safety Code is amended to read:

33445. Notwithstanding the provisions of Section 33440 an agency may, with the consent of the legislative body, pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure, or other improvement which is publicly owned either within or without a project area, to the extent that such buildings, facilities, structures, or other improvements are of benefit to the project area.

When the value of such land or the cost of the installation and construction of such building, facility, structure, or other improvement, or both, has been, or will be, paid or provided for initially by the community or other public corporation, the agency may enter into a contract with the community or other public corporation under which it agrees to reimburse the community or other public corporation for all or part of the value of such land or all or part of the cost of such building, facility, structure, or other improvement, or both, by periodic payments over a period of years.

The obligation of the agency under such contract shall constitute an indebtedness of the agency for the purpose of carrying out the redevelopment project for such project area, which indebtedness may be made payable out of taxes levied in such project area and allocated to the agency under subdivision (b) of Section 33670, or out of any other available funds.

In a case where such land has been or will be acquired by, or the cost of the installation and construction of such building, facility, structure or other improvement has been paid by, a parking authority, joint powers entity, or other public corporation to provide a building, facility, structure, or other improvement which has been or will be leased to the community, such contract may be made with, and such reimbursement may be made payable to, the community.

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:

For the effective implementation of the Community Redevelopment Law and the preservation of the health and welfare of the citizens of this state, it is essential that the provisions of this act, which further delineate the relationship of redevelopment agencies and the communities they serve. take effect immediately.

CHAPTER 96

An act to amend Sections 4653.4, 4655, 4655.2, and 4655.4 of, and to add Chapter 1d (commencing with Section 4658) to Part 8 of Division 1 of the Revenue and Taxation Code, relating to property tax distribution.

[Approved by Governor May 20, 1969. Filed with Secretary of State May 20, 1969.]

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

SECTION 1. Section 4653.4 of the Revenue and Taxation Code is amended to read:

4653.4. Taxes shall be distributed to each fund on the basis of the tax rate established for the current secured roll on which they are charged and in the same proportion that the tax rate for each fund bears to the total tax rate applicable.

SEC. 2. Section 4655 of the Revenue and Taxation Code is amended to read:

4655. As used in this chapter, "taxes" includes all taxes and assessments charged on the current unsecured roll.

SEC. 3. Section 4655.2 of the Revenue and Taxation Code is amended to read:

4655.2. Taxes shall be distributed to each fund on the basis of the tax rate established for the current unsecured roll and in the same proportion that the tax rate for each fund bears to the total tax rate applicable.

SEC. 4. Section 4655.4 of the Revenue and Taxation Code is amended to read:

4655.4. Amounts paid as delinquent penalties or accrued legal interest paid on judgments for the recovery of unpaid property taxes rendered by the courts of this state shall be distributed to the county general fund.

SEC. 5. Chapter 1d (commencing with Section 4658) is added to Part 8 of Division 1 of the Revenue and Taxation Code, to read:

CHAPTER 1d. DELINQUENT UNSECURED ROLL

4658. As used in this chapter, "taxes" includes all taxes and assessments charged on the delinquent unsecured roll or abstract list of delinquent unsecured taxes.

4658.2. Taxes shall be distributed to each fund on the basis of the tax rate established for the fiscal year preceding that in which distribution is made and in the same proportion that the tax rate for each fund bears to the total tax rate applicable.

4658.4. Amounts paid as delinquent penalties or accrued legal interest paid on judgments for the recovery of unpaid property taxes rendered by the courts of this state shall be distributed to the county general fund.

SEC. 6. This act shall become operative on July 1, 1970.

CHAPTER 97

An act to amend Section 71140.1 of the Government Code, relating to court attachés.

[Approved by Governor May 20, 1969. Filed with Secretary of State May 20, 1969.]

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

SECTION 1. Section 71140.1 of the Government Code is amended to read:

71140.1. The attachés of a municipal court may reside in counties adjoining the county in which they are employed.

CHAPTER 98

An act to amend Section 10150, 10460, 10515, and 10602, of the Business and Professions Code, relating to real estate and mineral, oil and gas licenses.

[Approved by Governor May 20, 1969 Filed with Secretary of State May 20, 1969.]

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

SECTION 1. Section 10150 of the Business and Professions Code is amended to read:

10150. Application for license as real estate broker shall be made in writing to the commissioner. The application shall be accompanied by the real estate broker license examination fee.

SEC. 2. Section 10460 of the Business and Professions Code is amended to read:

10460. As used in this article:

(a) "Military licensee" refers to any person who, while licensed under the Real Estate Law, or any of the statutes codified therein, entered the military service of the United States and notifies the commissioner of that fact within two months of such entry.

(b) "Persons in the military service of the United States" includes the following persons and no others: all members of the United States Army, the United States Navy, the United States Air Force, the Marine Corps, the Merchant Marine in time of war, the Coast Guard, and all officers of the Public Health Service detailed by proper authority for duty either with the Army or the Navy.

(c) "Military service" signifies federal service after October 1, 1940, on active duty with any branch of service heretofore referred to or mentioned as well as training or education under the supervision of the United States preliminary to induction into the military service. The terms "active service" or "active duty" include the period during which a person in military service is absent from duty on account of sickness, wounds, leave, or other lawful cause.

SEC. 3. Section 10515 of the Business and Professions Code is amended to read:

10515. Application for license as mineral, oil and gas broker shall be made in writing to the commissioner. The application shall be accompanied by the mineral, oil and gas broker license examination fee.

SEC. 4. Section 10602 of the Business and Professions Code is amended to read:

10602. For any examination required under any order issued pursuant to the provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code, the fee is twenty-five dollars ($25).

CHAPTER 99

An act to repeal Section 9816 of the Business and Professions Code, relating to electronic repair dealers.

[Approved by Governor May 20, 1969. Filed with Secretary of State May 20, 1969.]

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

SECTION 1. Section 9816 of the Business and Professions Code is repealed.

CHAPTER 100

An act to add Section 30700.6 to the Water Code, relating to county water districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 20, 1969 Filed with Secretary of State May 20, 1969]

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

SECTION 1. Section 30700.6 is added to the Water Code, to read:

30700.6. Notwithstanding Section 30021 or any other provision of the law, in the Sierra Lakes County Water District every owner of real property within the district, but no others, may vote at elections for directors or otherwise. Such owners need not be residents of the district in order to qualify as voters. The last equalized county assessment role is conclusive evidence of ownership of the real property so owned. Where land is owned in joint tenancy, tenancy in common, or any other multiple ownership, the owners of such land shall designate in writing which one of the owners shall be deemed the owner of such land for purposes of qualifying as a voter.

The legal representative of a corporation or estate owning real property may vote on behalf of such corporation or estate. As used in this section, legal representative means an official of a corporation owning real property or a guardian, executor, or administrator of the estate of the holder of title to real property who:

(a) Is appointed under the laws of this state.

(b) Is entitled to the possession of the estate's real property.

(c) Is authorized by the appointing court to exercise the particular right, privilege, or immunity which he seeks to exercise.

Before a legal representative votes at a district election he shall present to the precinct board a certified copy of his authority which shall be kept and filed with the returns of the election.

Every voter, or his legal representative, may vote at any district election either in person or by a person duly appointed as his proxy, but shall be entitled to cast only one vote. The appointment of a proxy shall be as provided in Section 35005. Elections shall be conducted pursuant to Article 1 (commencing with Section 35106) of Chapter 2, Part 4, Division 13.

This section shall not affect incumbent directors of the district, but in the event of a vacancy or upon the expiration of each present term, each such director, upon taking office or commencing a new term, shall be a voter as defined in this section.

SEC. 2. The provisions of this section are necessary because a substantial portion of the land in the Sierra Lakes County Water District is owned by persons not resident within the district and the owners, and not the resident nonowners, are primarily concerned with the affairs and support of the district. This problem is not common to all districts formed under the County Water District Law. It is therefore hereby declared that a general law cannot be made applicable and that the enactment of this section as a special law is necessary for the solution of problems existing in the Sierra Lakes County Water District.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety

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

An election is scheduled for November of 1969, and to effectuate the purposes of this act it is necessary that its provisions be effective immediately.

CHAPTER 101

An act to amend Section 25458 of the Government Code, relating to emergencies and disasters, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 20, 1969. Filed with Secretary of State May 20, 1969.]

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

SECTION 1. Section 25458 of the Government Code is amended to read:

25458. In cases of great emergency, including but not limited to states of disaster defined in Section 1505 of the Military and Veterans Code, when repair or replacements are necessary to permit the continued conduct of county operations or services, or to avoid danger to life or property, the board of supervisors, by majority consent, may proceed at once to replace or repair any and all structures without adopting the plans, specifications, strain sheets, or working details or giving notice for bids to let contract. The work may be done by day labor under the direction of the board, by contract, or by a combination of the two. If the work is done wholly or in part by contract, the contractor shall be paid the actual cost of the use of machinery and tools and of material, and labor and compensation insurance expended by him in doing the work, plus not more than 15 percent to cover all profits and administration. No more than the lowest current market prices shall be paid for materials whenever possible. The board may waive the requirements of Section 4200 for work performed pursuant to this section.

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

There has been extensive flooding in San Bernardino County resulting in considerable danger to persons and damage to property. Unless emergency flood control works are undertaken immediately there will be further flooding and damage. In order to enable the San Bernardino County Flood Control District to take effective action to protect against such danger of further flooding it is necessary that this act go into immediate effect.

CHAPTER 102

An act to amend Section 335.4 of the Water Code, relating to beach erosion control.

[Approved by Governor May 21, 1969. Filed with Secretary of State May 21, 1969.]

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

SECTION 1. Section 335.4 of the Water Code is amended to read:

335.4. The San Diego (Sunset Cliffs), California, Beach Erosion Control Project is authorized for state participation pursuant to Section 335 substantially in accordance with the plan set forth in House Document 477, 89th Congress, and authorized by the River and Harbor Act of 1966, Title I of Public Law 89-789, 80 Stat. 1405. Such state participation shall be subject to appropriations applicable thereto or funds available therefor and shall not take precedence over other pending projects of higher priority. Notwithstanding the provisions of Section 335.1, state funds appropriated for this project may be expended prior to the appropriation of construction funds for such project by the Congress.

CHAPTER 103

An act to add Section 1314 to the Insurance Code, relating to reciprocal insurers.

[Approved by Governor May 22, 1969. Filed with Secretary of State May 22, 1969.]

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

SECTION 1. Section 1314 is added to the Insurance Code, to read:

1314. Any reciprocal or interinsurance exchange, domestic or foreign, which has obtained a certificate of surplus under Section 1401, and whose subscribers by such order have no liability for assessment, may issue a policy of insurance required under Article 4 (commencing with Section 11620) of Chapter 1 of Part 3 of Division 2 of this code without requiring such insured to become a member of or a subscriber to such reciprocal or interinsurance exchange.

The attorney-in-fact, agent, or other representatives duly authorized and acting for the regular subscribers of such reciprocal or interinsurance exchange, shall have the same power and authority to act for any such person becoming an insured under Article 4 (commencing with Section 11620) of Chapter 1 of Part 3 of Division 2 of this code as authorized or required under any documents required to be filed with the commissioner under Article 3 (commencing with Section 1320) of Chapter 3 of Part 2 of Division 1 of this code.

CHAPTER 104

An act to amend Section 660 of the Insurance Code, relating to insurance.

[Approved by Governor May 22, 1969. Filed with Secretary of State May 22, 1969.]

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

SECTION 1. Section 660 of the Insurance Code is amended to read:

660. As used in this chapter:

(a) "Policy" means an automobile liability, automobile physical damage, or automobile collision policy, or any combination thereof, delivered or issued for delivery in this state, insuring a single individual or individuals residing in the same household, as named insured, and under which the insured vehicles therein designated are of the following types only:

(1) A motor vehicle of the private passenger or station wagon type that is not used as a public or livery conveyance for passengers, nor rented to others; or

(2) Any other four-wheel motor vehicle with a load capacity of 1,500 pounds or less which is not used in the occupation, profession, or business of the insured; provided, however, that this chapter shall not apply (i) to any policy issued under an automobile assigned risk plan, or (ii) to any policy insuring more than four automobiles, or (iii) to any policy covering garage, automobile sales agency, repair shop, service station, or public parking place operation hazards; or

(3) A motorcycle.

(b) "Automobile liability coverage" includes only coverage of bodily injury and property damage liability, medical payments, and uninsured motorists coverage.

(c) "Automobile physical damage coverage" includes all coverage of loss or damage to an automobile insured under the policy except loss or damage resulting from collision or upset.

(d) "Automobile collision coverage" includes all coverage of loss or damage to an automobile insured under the policy resulting from collision or upset.

(e) "Renewal" or "to renew" means the issuance and delivery by an insurer of a policy replacing at the end of the policy period a policy previously issued and delivered by the same insurer, or the issuance and delivery of a certificate or notice extending the term of a policy beyond its policy period or term; provided, however, that any policy with a policy period or term of six months or less whether or not made continuous for successive terms upon the payment of additional premiums shall for the purpose of this chapter be considered as if written for a policy period or term of six months. Provided, further, that any policy written for a term longer than one year or any policy with no fixed expiration date, shall for the purpose of this chapter, be considered as if written for

successive policy periods or terms of one year. Such policies may be terminated at the expiration of their respective policy periods upon giving 20 days' notice of cancellation prior to such anniversary date, and such cancellation shall not be subject to any other provision of this chapter.

(f) "Nonpayment of premium" means failure of the named insured to discharge when due any of his obligations in connection with the payment of premiums on a policy, or any installment of such premium, whether the premium is payable directly to the insurer or its agent or indirectly under any premium finance plan or extension of credit.

CHAPTER 105

An act to maintain the Insurance Code by amending Sections 383.5, 10291.5, 10293, and 11580.2, relating to insurance.

[Approved by Governor May 22, 1969. Filed with Secretary of State May 22, 1969.]

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

SECTION 1. Section 383.5 of the Insurance Code is amended to read:

383.5. "Document," as used in this section, means a policy or a certificate evidencing insurance under a master policy. Such policy or certificate shall conform to Section 381 and shall segregate the premiums charged for each risk insured against. Such a certificate, in lieu of specifying the risks insured against, may designate them by name or by description.

"Owner" as used in this section means any person who is named as an insured in such contract of insurance or document, or in a loss payable clause therein, and, whether or not he is named therein, the vendee, pledgor, or chattel mortgagor of a motor vehicle where insurance contracts subject to this section are procured with respect to the motor vehicle by or on behalf of either party to the purchase, pledge, or mortgage.

Every contract of insurance against hazards incident to ownership, maintenance, operation and use of motor vehicles shall be embodied in a document.

The original or true copy of such document shall be delivered to each owner. Where it is executed by an insurer, the insurer shall deliver the original or a true copy:

(a) To the agent or broker who negotiated the insurance, for delivery to each owner of the motor vehicle, or

(b) To each owner of the motor vehicle.

Any owner whose interest in the insured vehicle is for security purposes only may by written notice to the insurer waive delivery of such policy and in lieu thereof there shall be delivered to such owner a written certificate of insurance setting forth in brief form the matters specified in Section 381.

The agent or broker receiving such original or copy shall deliver one to each owner. Where coverage subject to this

section is evidenced by a document executed by an agent licensed under Chapter 5, Part 2, of this division, and not by an insurer, the agent and not the insurer is responsible for delivery of the original or a true copy to each owner.

The licenses of any agent or broker found by the commissioner after hearing to have violated this section may be suspended or revoked in accordance with the procedure provided in Article 13 of Chapter 5, Part 2, of this division, or the certificate of authority of any insurer found by the commissioner after hearing to have violated this section may be suspended or revoked in accordance with the procedure provided in Section 704.

The purpose of this section is to prevent fraud or mistake in connection with the transaction of insurance covering motor vehicles and in furtherance of that purpose the commissioner may make reasonable rules and regulations therefor. Such rules and regulations shall be adopted, amended or repealed in accordance with the procedure provided in Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code.

SEC. 2. Section 10291.5 of the Insurance Code is amended to read:

10291 5. (a) The purpose of this section is to prevent, in respect to disability insurance, fraud, unfair trade practices, and insurance economically unsound to the insured.

(b) The commissioner shall not approve any disability policy for issuance or delivery in this state:

(1) If he finds that it contains any provision, or has any label, description of its contents, title, heading, backing, or other indication of its provisions which is unintelligible, uncertain, ambiguous, or abstruse, or likely to mislead a person to whom the policy is offered, delivered, or issued.

(2) If it contains any provision for payment at a rate, or in an amount (other than the product of rate times the periods for which payments are promised) for loss caused by particular event or events (as distinguished from character of physical injury or illness of the insured) more than triple the lowest rate, or amount, promised in the policy for the same loss caused by any other event or events (loss caused by sickness, loss caused by accident, and different degrees of disability each being considered, for the purpose of this paragraph, a different loss); or if it contains any provision for payment for any confining loss of time at a rate more than six (6) times the least rate payable for any partial loss of time or more than twice the least rate payable for any nonconfining total loss of time; or if it contains any provision for payment for any nonconfining total loss of time at a rate more than three (3) times the least rate payable for any partial loss of time.

(3) If it contains any provision for payment for disability caused by particular event or events (as distinguished from character of physical injury or illness of the insured) payable for a term more than twice the least term of payment

provided by the policy for the same degree of disability caused by any other event or events; or if it contains any benefit for total nonconfining disability payable for lifetime or for more than twelve (12) months and any benefit for partial disability, unless such benefit for partial disability is payable for at least three (3) months; or if it contains any benefit for total confining disability payable for lifetime or for more than twelve (12) months, unless it also contains benefit for total nonconfining disability caused by the same event or events payable for at least three (3) months, and, if it also contains any benefit for partial disability, unless such benefit for partial disability is payable for at least three (3) months. The provisions of this paragraph shall apply separately to accident benefits and to sickness benefits.

(4) If it contains provision or provisions which would have the effect, upon any termination of the policy, of reducing or ending such liability as the insurer would have, but for such termination, for loss of time resulting from accident occurring while the policy is in force or for loss of time commencing while the policy is in force and resulting from sickness contracted while the policy is in force or for other losses resulting from accident occurring or sickness contracted while the policy is in force, and also contains provision or provisions reserving to the insurer the right to cancel or refuse to renew the policy, unless it also contains other provision or provisions the effect of which is that termination of the policy as the result of the exercise by the insurer of any such right shall not reduce or end such liability in respect to the hereinafter specified losses as the insurer would have had under the policy, including its other limitations, conditions, reductions and restrictions, had the policy not been so terminated.

The specified losses referred to in the preceding paragraph are:

(i) Loss of time which commences while the policy is in force and results from sickness contracted while the policy is in force,

(ii) Loss of time which commences within twenty (20) days following and results from accident occurring while the policy is in force,

(iii) Losses which result from accident occurring or sickness contracted while the policy is in force and arise out of the care or treatment of illness or injury and which occur within ninety (90) days from such termination of the policy or during a period of continuous compensable loss or losses which period commences prior to the end of such ninety (90) days, and

(iv) Losses other than those specified in (i), (ii) or (iii) above which result from accident occurring or sickness contracted while the policy is in force and which losses occur within ninety (90) days following such accident or the contraction of such sickness.

(5) If by any caption, label, title or description of contents the policy states, implies, or infers without reasonable qualification that it provides loss of time indemnity for lifetime, or for any period of more than two years, if such loss of time indemnity is made payable only when house confined or only under special contingencies not applicable to other total loss of time indemnity.

(6) If it contains any benefit for total confining disability payable only upon condition that the confinement be of an abnormally restricted nature unless the caption of the part containing any such benefit is accurately descriptive of the nature of the confinement required and unless if the policy have a description of contents, label, or title at least one of them contain reference to such nature of the confinement required.

(7) If, irrespective of the premium charged therefor, any benefit of the policy is, or the benefits of the policy as a whole are, not sufficient to be of real economic value to the insured.

In determining whether benefits are of real economic value to the insured, the commissioner shall not differentiate between insureds of the same or similar economic or occupational classes and shall give due consideration to the following:

(i) The right of insurers to exercise sound underwriting judgment in the selection and amounts of risks.

(ii) Amount of benefit, length of time of benefit, nature or extent of benefit, or any combination of such factors.

(iii) The relative value in purchasing power of the benefit or benefits.

(iv) Differences in insurance issued on an industrial or other special basis.

To be of real economic value, it shall not be necessary that any benefit or benefits cover the full amount of any loss which might be suffered by reason of the occurrence of any hazard or event insured against.

(8) If it substitutes a specified indemnity upon the occurrence of accidental death for any benefit of the policy, other than a specified indemnity for dismemberment, which would accrue prior to the time of such death or if it contains provision which has the effect other than at the election of the insured exercisable within not less than twenty (20) days in the case of benefits specifically limited to the loss by removal of one or more fingers or one or more toes or within not less than ninety (90) days in all other cases:

(i) Of substituting, upon the occurrence of the loss of both hands, both feet, one hand and one foot, the sight of both eyes or the sight of one eye and the loss of one hand or one foot, some specified indemnity for any or all benefits under the policy unless the indemnity so specified is equal to or greater than the total of the benefit or benefits for which such specified indemnity is substituted and which, assuming in all cases that the insured would continue to live, could possibly accrue within four years from the date of such dismemberment under

all other provisions of the policy applicable to the particular event or events (as distinguished from character of physical injury or illness) causing the dismemberment; or

(ii) Of substituting, upon the occurrence of any other dismemberment some specified indemnity for any or all benefits under the policy unless the indemnity so specified is equal to or greater than one-fourth of the total of the benefit or benefits for which such specified indemnity is substituted and which, assuming in all cases that the insured would continue to live, could possibly accrue within four years from the date of such dismemberment under all other provisions of the policy applicable to the particular event or events (as distinguished from character of physical injury or illness) causing the dismemberment; or

(iii) Of substituting a specified indemnity upon the occurrence of any dismemberment for any benefit of the policy which would accrue prior to the time of dismemberment.

As used in this section, loss of a hand shall be severance at or above the wrist joint, loss of a foot shall be severance at or above the ankle joint, loss of an eye shall be the irrecoverable loss of the entire sight thereof, loss of a finger shall mean at least one entire phalanx thereof and loss of a toe the entire toe.

(9) If it contains provision, other than as provided in Section 10370, reducing any original benefit more than fifty percent (50%) on account of age of the insured.

(10) If the insuring clause or clauses contain no reference to the exceptions, limitations and reductions (if any) or no specific reference to, or brief statement of, each abnormally restrictive exception, limitation or reduction.

(11) If it contains benefit or benefits for loss or losses from specified diseases only unless:

(i) All of the diseases so specified in each provision granting such benefits fall within some general classification based upon:

(A) The part or system of the human body principally subject to all such diseases,

(B) The similarity in nature or cause of such diseases,

(C) In case of diseases of an unusually serious nature and protracted course of treatment, the common characteristics of all such diseases with respect to severity of affliction and cost of treatment, and

(ii) The policy is entitled and each provision granting such benefits is separately captioned in clearly understandable words so as to accurately describe the classification of diseases covered and expressly point out, when such is the case, that not all diseases of such classification are covered.

(12) If it does not contain provision for a grace period of at least the number of days specified below for the payment of each premium falling due after the first premium, during which grace period the policy shall continue in force; provided, that the grace period to be included in the policy shall be not less

than seven (7) days for policies providing for weekly payment of premium, not less than ten (10) days for policies providing for monthly or quarterly payment of premium and not less than thirty-one (31) days for all other policies.

(13) If it fail to conform in any respect with any law of this state.

(c) The commissioner may, from time to time as conditions warrant, after notice and hearing, promulgate such reasonable rules and regulations, and amendments and additions thereto, as are necessary or convenient, to establish, in advance of the submission of policies, the standard or standards conforming to the provisions of subdivision (b) of this section, by which he shall disapprove or withdraw approval of any disability policy.

In promulgating any such rule or regulation the commissioner shall give consideration to the criteria herein established and to the desirability of approving for use in policies in this state uniform provisions, nationwide or otherwise, and is hereby granted the authority to consult with insurance authorities of any other state and their representatives individually or by way of convention or committee, to seek agreement upon such provisions.

Any such rule or regulation shall be promulgated in accordance with the procedure provided in Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

(d) The commissioner may withdraw approval of filing of any policy or other document or matter required to be approved by him, or filed with him, by the provisions of this chapter when he would be authorized to disapprove or refuse filing of the same if originally submitted at the time of such action of withdrawal.

Any such withdrawal shall be in writing and shall specify reasons. An insurer adversely affected by any such withdrawal may, within a period of thirty (30) days following mailing or delivery of the writing containing such withdrawal, by written request secure a hearing to determine whether such withdrawal should be annulled, modified or confirmed. Unless, at any time, it be mutually agreed to the contrary, hearing shall be granted and commenced within a period of thirty (30) days following filing of the request and shall proceed with reasonable dispatch to determination. Unless the commissioner in writing in such withdrawal, or subsequent thereto, grants an extension, any such withdrawal shall, in the absence of any such request, be effective, prospectively and not retroactively, on the ninety-first (91st) day following the mailing or delivery of such withdrawal, and, if request for such hearing be filed, on the ninety-first (91st) day following mailing or delivery of written notice of the commissioner's determination.

(e) No proceeding under this section shall be subject to the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.

(f) Except as provided in subdivision (i) of this section, any action taken by the commissioner under this section shall be subject to review by the courts of this state and proceedings on review shall be in accordance with the provisions of the Code of Civil Procedure.

Notwithstanding any other provision of law to the contrary, petition for any such review may be filed at any time before the effective date of the action taken by the commissioner. No action of the commissioner shall become effective before the expiration of twenty (20) days after written notice and a copy thereof are mailed or delivered to the person adversely affected, and any action so submitted for review shall not become effective for a further period of fifteen (15) days after the filing of the petition in court. The court may stay the effectiveness thereof for a longer period.

(g) This section shall be liberally construed to effectuate the purpose and intentions herein stated; but shall not be construed to grant the commissioner power to fix or regulate rates for disability insurance or prescribe a standard form of disability policy.

(h) This section shall be effective on and after July 1, 1950, as to all policies thereafter submitted and on and after January 1, 1951, the commissioner may withdraw approval pursuant to subdivision (d) of any policy thereafter issued or delivered in this state irrespective of when its form may have been submitted or approved, and prior to such dates the provisions of law in effect on January 1, 1949, shall apply to such policies.

(i) Any such policy issued by an insurer to an insured on a form approved by the commissioner, and in accordance with the conditions, if any, contained in the approval, at a time when such approval is outstanding shall, as between the insurer and the insured, or any person claiming under the policy, be conclusively presumed to comply with and conform to the provisions of this section.

(j) The provisions of this section do not apply to accident policies including those providing hospitalization benefits on account of sickness, which are issued through newspapers or other publications of general circulation to their subscribers, readers, carrier boys, newspaper vendors or district men.

SEC. 3. Section 10293 of the Insurance Code is amended to read:

10293. (a) The commissioner shall not approve an individual hospital, medical or surgical insurance policy for delivery or issuance for delivery to any person in this state unless the policy contains on its face page either a schedule of coverages of the policy or, in prominent type, a brief description of the policy. In lieu of a schedule of coverages or a brief description on the face page of the policy, the insurer may furnish the insured, in a separate document attached to the face of the policy, the schedule of coverages or brief description. No such separate document may be used for such purpose un-

less it has been filed with and approved by the commissioner as provided in Section 10290.

(b) The commissioner shall, after notice and hearing, promulgate such reasonable rules and regulations as are necessary to establish the standard or standards by which he shall approve a policy conforming to the provisions of subdivision (a) of this section Any such rule or regulation shall be promulgated in accordance with the procedure provided in Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, and shall be effective 90 days after adoption by the commissioner.

(c) The commissioner shall, after notice and hearing, withdraw approval of an individual hospital, medical or surgical policy if after consideration of all relevant factors the commissioner finds that the benefits provided under such policy are unreasonable in relation to the premium charged. The commissioner shall, from time to time as conditions warrant, after notice and hearing, promulgate such reasonable rules and regulations, and amendments and additions thereto, as are necessary to establish the standard or standards by which he shall withdraw approval of any such policy. Any such rule or regulation shall be promulgated in accordance with the procedure provided in Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, and shall be effective 90 days after adoption by the commissioner.

(d) Unless the commissioner specifies otherwise in writing in the withdrawals, or subsequent thereto, grants an extension, any such withdrawal shall be effective prospectively and not retroactively on the 91st day following the mailing or delivery of the withdrawal.

(e) This section shall not apply to policies delivered on or before the 30th day of June, 1962.

SEC. 4. Section 11580.2 of the Insurance Code is amended to read:

11580.2. (a) No policy of bodily injury liability insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle, shall be issued or delivered in this state to the owner or operator of a motor vehicle, or shall be issued or delivered by any insurer licensed in this state upon any motor vehicle then principally used or principally garaged in this state, unless the policy contains, or has added to it by endorsement, a provision with coverage limits at least equal to the financial responsibility requirements specified in Section 16059 of the Vehicle Code insuring the insured, his heirs or his legal representative for all sums within such limits which he or they, as the case may be, shall be legally entitled to recover as damages for bodily injury or wrongful death from the owner or operator of an uninsured motor vehicle. The insurer and any named insured may by agreement in writing delete the provision covering damage caused by an uninsured motor vehicle. Such deletion by any named insured shall be

binding upon every insured to whom such policy or endorsement provisions apply. A policy shall be excluded from the application of this section if the only coverage with respect to the use of any motor vehicle is limited to the contingent liability arising out of the use of nonowned motor vehicles.

(b) As used in (a) above, "bodily injury" includes sickness or disease, including death, resulting therefrom; the term "named insured" means only the individual or organization named in the declarations of the policy of motor vehicle bodily injury liability insurance referred to in (a) above; as used in (a) above the term "insured" means the named insured and the spouse of the named insured and relatives of either while residents of the same household while occupants of a motor vehicle or otherwise, heirs and any other person while in or upon or entering into or alighting from an insured motor vehicle and any person with respect to damages he is entitled to recover for care or loss of services because of bodily injury to which the policy provisions or endorsement apply; the term "insured motor vehicle" means the motor vehicle described in the underlying insurance policy of which the uninsured motorist endorsement or coverage is a part, a temporary substitute or a newly acquired automobile for which liability coverage is provided in the policy if the motor vehicle is used by the named insured or with his permission or consent, express or implied, and any other automobile not owned by the named insured or any resident of the same household while being operated by the named insured or his spouse if a resident of the same household, but the term "insured motor vehicle" shall not include any automobile while used as a public or livery conveyance. The term "uninsured motor vehicle" means a motor vehicle with respect to the ownership, maintenance or use of which there is no bodily injury liability insurance or bond applicable at the time of the accident, or there is such applicable insurance or bond but the company writing the same denies coverage thereunder or refuses to admit coverage thereunder except conditionally or with reservation, or a motor vehicle used without the permission of the owner thereof if there is no bodily injury liability insurance or bond applicable at the time of the accident with respect to the owner or operator thereof, or the owner or operator thereof be unknown, provided that, with respect to an "uninsured motor vehicle" whose owner or operator is unknown:

(1) The bodily injury has arisen out of physical contact of such automobile with the insured or with an automobile which the insured is occupying.

(2) The insured or someone on his behalf shall have reported the accident within 24 hours to the police department of the city where the accident occurred or, if the accident occurred in unincorporated territory then either to the sheriff of the county where the accident occurred or the local headquarters of the California Highway Patrol, and have filed with the insurer within 30 days thereafter a statement under oath

that the insured or his legal representative has or the insured's heirs have a cause of action arising out of such accident for damages against a person or persons whose identity is unascertainable and set forth facts in support thereof. The term "uninsured motor vehicle" shall not include an automobile owned by the named insured or any resident of the same household or self-insured within the meaning of the safety responsibility law of the state in which the motor vehicle is registered or which is owned by the United States of America, Canada, a state or political subdivision of any such government or an agency of any of the foregoing, or a land motor vehicle or trailer operated on rails or crawlertreads or while located for use as a residence or premises and not as a vehicle, or a farm-type tractor or equipment designed for use principally off public roads, except while actually upon public roads.

The term "uninsured motor vehicle" also means an insured motor vehicle where the liability insurer thereof is unable to to make payment with respect to the legal liability of its insured within the limits specified therein because of insolvency. An insurer's solvency protection shall be applicable only to accidents occurring during a policy period in which its insured's motor vehicle coverage is in effect where the liability insurer of the tort-feasor becomes insolvent within one year of such accident. In the event of payment to any person under the coverage required by this section and subject to the terms and conditions of such coverage, the insurer making such payment, shall to the extent thereof, be entitled to any proceeds which may be recoverable from the assets of the insolvent insurer through any settlement or judgment of such person against the insolvent insurer.

(c) The insurance coverage provided for in this section does not apply:

(1) To property damage sustained by the insured.

(2) To bodily injury of the insured while in or upon or while entering into or alighting from an automobile other than the described automobile if the owner thereof has insurance similar to that provided in this section.

(3) To bodily injury of the insured with respect to which the insured or his representative shall, without the written consent of the insurer, make any settlement with or prosecute to judgment any action against any person who may be legally liable therefor.

(4) In any instance where it would inure directly or indirectly to the benefit of any workmen's compensation carrier or to any person qualified as a self-insurer under any workmen's compensation law.

(5) To establish an exemption as provided in subdivisions (a), (b), and (c) of Section 16057 of the Vehicle Code.

(6) To bodily injury of the insured while occupying a motor vehicle owned by an insured, unless the occupied vehicle is an insured motor vehicle.

(7) To bodily injury of the insured when struck by a vehicle owned by an insured.

(d) Subject to paragraph (c)(2), the policy or endorsement may provide that if the insured has insurance available to him under more than one uninsured motorist coverage provision, any damages shall not be deemed to exceed the higher of the applicable limits of the respective coverages, and such damages shall be prorated between the applicable coverages as the limits of each coverage bears to the total of such limits.

(e) The policy or an endorsement added thereto shall provide that the determination as to whether the insured shall be legally entitled to recover damages, and if so entitled, the amount thereof, shall be made by agreement between the insured and the insurer or, in the event of disagreement, by arbitration. The arbitration shall be conducted by a single neutral arbitrator. The provisions of Article 3 (commencing with Section 2016) of Chapter 3 of Title 3 of Part 4 of the Code of Civil Procedure shall be applicable to such determinations, and all rights, remedies, obligations, liabilities and procedures set forth in said Article 3 shall be available to both the insured and the insurer at any time after the accident, both before and after the commencement of arbitration, if any, with the following limitations:

(1) Whenever in said Article 3, reference is made to the court in which the action is pending, or provision is made for application to the court or obtaining leave of court or approval by the court, the court which shall have jurisdiction for the purposes of this section shall be the Superior Court of the State of California, in and for any county which is a proper county for the filing of a suit for bodily injury arising out of the accident, against the uninsured motorist, or any county specified in the policy or an endorsement added thereto as a proper county for arbitration or action thereon.

(2) Any such proper court to which application is first made by either the insured or the insurer under the provisions of said Article 3 for any discovery or other relief or remedy, shall thereafter be the only court to which either of the parties shall make any applications under said Article 3 with respect to the same accident, subject, however, to the right of such court to grant a change of venue after a hearing upon notice, upon any of the grounds upon which change of venue might be granted in an action filed in the superior court.

(3) A deposition pursuant to the provisions of Section 2016 of the Code of Civil Procedure may be taken without leave of court, except that leave of court, granted with or without notice and for good cause shown, must be obtained if the notice of the taking of the deposition is served by either party within 20 days after the accident.

(4) The provisions of subparagraph (a)(4) of Section 2019 of the Code of Civil Procedure shall not be applicable to discovery under this section.

(5) For the purposes of discovery under this section, the insured and the insurer shall each be deemed to be "a party to the record of any civil action or proceedings," where that phrase is used in subparagraph (b)(2) of Section 2019 of the Code of Civil Procedure.

(6) Interrogatories under the provisions of Section 2030 of the Code of Civil Procedure and requests for admission under Section 2033 may be served by either the insured or the insurer upon the other at any time more than 20 days after the accident without leave of court.

(7) Nothing in this section shall be construed to limit the rights of any party to discovery in any action pending or which may hereafter be pending in any court.

(f) The insurer paying a claim under an uninsured motorist endorsement or coverage shall be entitled to be subrogated to the rights of the insured to whom such claim was paid against any person causing such injury or death to the extent that payment was made. Such action may be brought within three years from the date that payment was made hereunder.

(g) An insured entitled to recovery under the uninsured motorist endorsement or coverage shall be reimbursed within the conditions stated herein without being required to sign any release or waiver of rights to which he may be entitled under any other insurance coverage applicable; nor shall payment under this section to such insured be delayed or made contingent upon the decisions as to liability or distribution of loss costs under other bodily injury liability insurance or any bond applicable to the accident. Any loss payable under the terms of the uninsured motorist endorsement or coverage to or for any person may be reduced:

(1) By the amount paid and the present value of all amounts payable to him under any workmen's compensation law exclusive of nonoccupational disability benefits.

(2) By the amounts paid or due to be paid under any valid and collectible automobile medical payment insurance available to the insured.

(3) By the amount the insured is entitled to recover from any other person insured under the underlying liability insurance policy of which the uninsured motorist endorsement or coverage is a part.

(h) No cause of action shall accrue to the insured under any policy or endorsement provision issued pursuant to this section unless within one year from the date of the accident:

(1) Suit for bodily injury has been filed against the uninsured motorist, in a court of competent jurisdiction, or

(2) Agreement as to the amount due under the policy has been concluded, or

(3) The insured has formally instituted arbitration proceedings.

CHAPTER 106

An act to add Sections 11835 and 29227 to, and amend Sections 11800 and 11801 of, the Elections Code, relating to petitions and measures.

[Approved by Governor May 22, 1969. Filed with Secretary of State May 22, 1969.]

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

SECTION 1. Section 29227 is added to the Elections Code, to read:

29227. Every person who is entrusted with money or things of value, for the purpose of promoting or defeating any initiative, referendum, or recall petition filed in the office of the Secretary of State or measure shall be considered a trustee of such money or things of value. If he wrongfully appropriates such money or things of value to any use or purpose not in the due and lawful execution of his trust, he shall be punishable by a fine not exceeding five thousand dollars ($5,000), or by imprisonment in the state prison not exceeding two years or in a county jail not exceeding one year, or by both such fine and imprisonment. The following expenses shall be considered to be within the due and lawful execution of the trust:

(a) Securing signatures to initiative, referendum, or recall petitions.

(b) Circulating initiative, referendum, or recall petitions.

(c) Holding and conducting public meetings.

(d) Printing and circulating prior to an election:

(1) Specimen ballots.

(2) Handbills.

(3) Cards.

(4) Other papers.

(e) Advertising.

(f) Postage.

(g) Expressage.

(h) Telegraphing.

(i) Telephoning.

(j) All salaries and expenses of:

(1) Campaign managers.

(2) Lecturers.

(3) Solicitors.

(4) Agents.

(5) All persons employed in transacting business at headquarters or branch offices.

(k) Maintaining headquarters and branch offices.

(*l*) Renting of rooms for the transaction of the business of an association.

Expenses for food, clothing, shelter and other personal needs of the trustee shall not be considered to be within the due and lawful execution of his trust.

SEC. 2. Section 11800 of the Elections Code is amended to read:

11800. Unless the context otherwise clearly requires, the definitions set forth in this article shall govern the construction of this chapter.

Notwithstanding Section 42, the word "measure," as used in this chapter, is defined as any constitutional amendment or other proposition submitted to a popular vote at any election and any initiative, referendum or recall petition filed in the office of the Secretary of State whether or not it qualifies for the ballot.

SEC. 3. Section 11801 of the Elections Code is amended to read:

11801. "Association" means any person, committee, firm, association, public or private corporation, or other group of persons, whether incorporated or not, that for the payment of expenses in a campaign to influence the action of the voters for or against the circulation or adoption of any measure voted upon at a statewide, county, district, or municipal election does either or both of the following:

(a) Collects, raises, or receives money or promises of money aggregating from all sources more than one thousand dollars ($1,000).

(b) Expends more than one thousand dollars ($1,000) of its own money or funds.

SEC. 4. Section 11835 is added to the Elections Code, to read:

11835. If any petition does not qualify for the ballot, the association circulating that petition shall file a statement of receipts and expenses within 35 days after the final deadline for circulating the petition.

CHAPTER 107

An act to amend Sections 29802 and 29851 of the Government Code, relating to warrants.

[Approved by Governor May 22, 1969. Filed with Secretary of State May 22, 1969.]

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

SECTION 1. Section 29802 of the Government Code is amended to read:

29802. Unless otherwise provided by ordinance, any warrant issued is void if not presented to the county treasurer for payment within six months after its date.

Whenever, under the provisions of this section, warrants drawn on trust funds become void, the moneys in the county treasury represented by such warrants may be transferred to the general fund of the county by the county auditor unless disposition is otherwise provided by law.

Any time within two years from the date on which the original warrant became void, the payee on any warrant which is void as provided in this section, except a warrant issued for the giving of aid, may present such warrant to the governing body of the agency on which the warrant was drawn, or declare by affidavit that such warrant has been lost or destroyed, and the governing body of such agency may adopt an order instructing the county auditor to draw a new warrant in favor of the payee in the same amount as the original warrant, or the governing body may by resolution authorize the auditor to draw new warrants within the limitations prescribed by the resolution without prior individual order of the governing body, provided the limitations prescribed by this section have been complied with. Any such new warrant shall be subject to the limitations of presentation within six months.

SEC. 2. Section 29851 of the Government Code is amended to read:

29851. Upon the filing of the affidavit, the auditor shall issue and deliver to the legal owner or custodian a duplicate warrant bearing the same date as the original warrant for the full amount of the original warrant, and the treasurer shall pay the duplicate in lieu of the original warrant. If a warrant is lost or destroyed after it has been received by a bank with whom the treasurer has entered into a written agreement pursuant to Article 2 (commencing with Section 53630) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code for the deposit in said bank of moneys belonging to or in the custody of the treasurer, the treasurer may pay on a photocopy of the lost or destroyed warrant in lieu of the original warrant; provided the bank agrees to indemnify and hold the county harmless from any loss incurred by reason of such payment.

SEC. 3. Section 1 of this act shall become effective on July 1, 1970, and the provisions thereof shall be applicable to any warrants issued on or subsequent to the effective date.

CHAPTER 108

An act to add Section 1245 to the Business and Professions Code, relating to blood tests.

[Approved by Governor May 22, 1969. Filed with Secretary of State May 22, 1969.]

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

SECTION 1. Section 1245 is added to the Business and Professions Code, to read:

1245. Notwithstanding any other provision of this chapter or of any other law, any individual may perform a blood gas analysis if all the following conditions exist:

(a) He performs the blood gas analysis in a hospital as defined in Section 1401 of the Health and Safety Code.

(b) He has been instructed by a physician and surgeon licensed in this state, who is in charge of a hospital department of pulmonary physiology or clinical pathology, in the proper procedure to be employed when performing a blood gas analysis.

(c) He performs the blood gas analysis under the direction and supervision of such a physician and surgeon.

(d) He submits the analysis for interpretation to the physician and surgeon under whose direction and supervision he performed the analysis.

Nothing contained in this section shall be construed as authorizing any individual, not otherwise authorized, to withdraw blood.

SEC. 2. Section 1 of this act shall remain in effect until December 31, 1971, and shall have no force or effect after that date.

CHAPTER 109

An act to amend Sections 18, 19, 22, and 29 of, and to add Section 19.5 to, the Crestline-Lake Arrowhead Water Agency Act (Chapter 40 of the Statutes of 1962 First Extraordinary Session), relating to bonds.

[Approved by Governor May 22, 1969 Filed with Secretary of State May 22, 1969.]

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

SECTION 1. Section 18 of the Crestline-Lake Arrowhead Water Agency Act (Chapter 40 of the Statutes of 1962 First Extraordinary Session) is amended to read:

Sec. 18. Whenever the board of directors deems it necessary for the agency to incur a bonded indebtedness for the acquisition, construction, completion or repair of any or all improvements, works or property mentioned in this act, the board shall, by resolution, so declare and call an election to be held in said agency for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of said agency. Said resolution shall state: (a) the purpose for which the proposed debt is to be incurred, which may include expenses of all proceedings for the authorization, issuance and sale of the bonds; (b) the amount of debt to be incurred; (c) the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years; (d) the maximum rate of interest to be paid, which shall not exceed 7 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of said year; (e) the measure to be submitted to the voters; (f) the date upon which an election shall be held for the purpose of authorizing said bonded in-

debtedness to be incurred; and (g) the designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct. The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election, the last publication to be made not less than two weeks prior to the date of the proposed election, in at least one newspaper published in such agency, then such resolution shall be posted in three public places in such agency not less than two weeks prior to the date of the proposed election. No other notice of such election need be given. The returns of such election shall be made, the votes canvassed by said board of directors within seven days following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code, so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted.

Any action or proceeding wherein the validity of any such bonds or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of such election; otherwise, said bonds and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

SEC. 2 Section 19 of the Crestline-Lake Arrowhead Water Agency Act (Chapter 40 of the Statutes of 1962 First Extraordinary Session) is amended to read:

Sec. 19. Whenever the board of directors deems it necessary to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works or property mentioned in this act and to provide for such bonded indebtedness to be payable from taxes levied upon less than all of the agency, the board shall, by resolution so declare and state: (a) the purpose for which the proposed debt is to be incurred; (b) the amount of debt to be incurred, which may include expenses of all proceedings for the authorization, issuance and the sale of the bonds; (c) that the board intends to form an improvement district of a portion of the agency which in the opinion of the board will be benefited, the exterior boundaries of which portion are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and to call an election in such proposed improvement district on a date to be fixed for the purpose of

submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for said improvement district; (d) that taxes for the payment of said bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district; (e) that a general description of the proposed improvement together with a map showing the exterior boundaries of said proposed improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement is on file with the secretary of the agency and is available for inspection by any person or persons interested; (f) the time and place for a hearing by the board on the questions of the formation of said proposed improvement district, the extent thereof, the proposed improvement and the amount of debt to be incurred; and (g) that at the time and place specified in the resolution any person interested, including all persons owning property in the agency or in the proposed improvement district, will be heard. Notice of said hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper printed and published in the Crestline-Lake Arrowhead Water Agency, if there is a newspaper printed and published in such agency. Such notice shall also be given by posting a copy of said resolution in six public places within the proposed improvement district at least two weeks before the time fixed for said hearing.

At the time and place so fixed, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the agency or within the proposed improvement district may appear and present any matters material to the questions set forth in the resolution declaring the necessity for incurring the bonded indebtedness. The board shall have power to change the purpose for which the proposed debt is to be incurred, or the amount of bonded debt to be incurred, or the boundaries of said proposed improvement district, or one or all of said matters; provided, however, that said board shall not change such boundaries so as to include any territory which will not, in its judgment, be benefited by said improvement.

The purpose, amount of bonded debt or boundaries shall not be changed by said board except after notices of its intention to do so, given by publication pursuant to Section 6061 of the Government Code in a newspaper printed and published in said Crestline-Lake Arrowhead Water Agency, if there is a newspaper printed and published in such agency, and by posting in six public places within said proposed improvement district. Said notice shall state the changed purpose and debt proposed and that the exterior boundaries as proposed to be changed are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and specify the

time and place for hearing on such change, which time shall be at least 10 days after publication or posting of said notice. At the time and place so fixed, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the agency or the proposed improvement district, may appear and present any matters material to the changes stated in the notice. At the conclusion of the hearing the board shall by resolution determine whether it is deemed necessary to incur the bonded indebtedness, and, if so, the resolution shall also state the purpose for which said proposed debt is to be incurred, the amount of the proposed debt, that the exterior boundaries of the portion of the agency which will be benefited are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the improvement district, and that said portion of the agency set forth on said map shall thereupon constitute and be known as "Improvement District No. _____ of Crestline-Lake Arrowhead Water Agency," and the determinations made in said resolution shall be final and conclusive. After the formation of such improvement district within the Crestline-Lake Arrowhead Water Agency pursuant to this section, all proceedings for the purpose of a bond election shall be limited, and shall apply only to the improvement district, and taxes for the payment of said bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district.

After the board has made its determination of the matters required to be determined by said last mentioned resolution, and if the board deems it necessary to incur the bonded indebtedness, the board shall by a further resolution call a special election in said improvement district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for said improvement district. Said resolution shall state: (a) that the board deems it necessary to incur the bonded indebtedness; (b) the purpose for which the bonded indebtedness will be incurred; (c) the amount of debt to be incurred; (d) the improvement district to be benefited by said indebtedness, as set forth in the resolution making determinations and that a map showing the exterior boundaries of said improvement district is on file with the secretary of the agency, which map shall govern for all details as to the extent of the improvement district; (e) that taxes for the payment of such bonds and the interest thereon shall be levied exclusively upon the taxable property in said improvement district; (f) the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years; (g) the maximum rate of interest to be paid, which shall not exceed 7 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of the said year; (h) the measure to be submitted to the voters;

(i) the date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred; and (j) the designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct.

The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election prior to the date of the proposed election in at least one newspaper printed and published in the Crestline-Lake Arrowhead Water Agency, if there is a newspaper printed and published in such agency. Such resolution shall also be posted in three public places in such improvement district not less than two weeks prior to the date of the proposed election. No other notice of such election need be given.

The returns of such election shall be made, the votes canvassed by said board of directors within seven days, following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted.

Any action or proceeding, wherein the validity of the formation of the improvement district or of any such bonds or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of such election; otherwise, said bonds and all proceedings in relation thereto, including the formation of the improvement district, shall be held to be valid and in every respect legal and incontestable.

SEC. 3. Section 19.5 is added to the Crestline-Lake Arrowhead Water Agency Act (Chapter 40 of the Statutes of 1962 First Extraordinary Session), to read:

Sec. 19.5. The board may, without a vote of the electors, provide for the issuance of, and issue, general obligation bonds of the agency or for an improvement district thereof if:

(a) The principal amount of such bonds do not exceed the then unissued balance of the principle amount of bonds authorized at an election held in the agency, or in such improvement district, prior to June 16, 1965;

(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 act, 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 7 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 subdivisions (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. 4. Section 22 of the Crestline-Lake Arrowhead Water Agency Act (Chapter 40 of the Statutes of 1962 First Extraordinary Session) is amended to read:

Sec. 22. If from the returns it appears that more than two-thirds of the votes cast in an election held pursuant to the provisions of Section 18 or of Section 19 of this act, were in favor of and assented to the incurring of such indebtedness, then the board of directors may, by resolution, at such time or times as it deems proper, issue bonds of the agency for the whole or any part of the amount of the indebtedness so authorized and may from time to time provide for the issuance of such amounts as the necessity thereof may appear, until the full amount of such bonds authorized shall have been issued. Said full amount of bonds may be divided into two or more series and different dates fixed for the payment of each of the series. The maximum term which the bonds of any series shall run before maturity shall not exceed 40 years from the date of each series respectively.

The board of directors shall, by resolution, prescribe the form of the bonds and the form of the coupons attached thereto and fix the time when the whole or any part of the principal shall become due and payable. The payment of the first installment of principal may be deferred for a period of not more than five years from the date of the bonds or the date of the bonds of each series respectively. The bonds shall bear interest at a rate or rates not to exceed 7 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of said year. The board of directors may also provide for call and redemption of bonds prior to maturity at such times and prices and upon such other terms as it may specify. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect or unless a statement to that effect is printed thereon.

The denomination of the bonds shall be stated in the resolution providing for their issuance, but shall not be less than one hundred dollars ($100). The principal and interest shall be payable in lawful money of the United States at the office of the treasurer of the district or such other place or places as may be designated, or at either place or places at the option of the holder of the bond.

The bonds shall be dated, numbered consecutively, and be signed by the president and treasurer of the agency, countersigned by the secretary of the agency, and the official seal of

the agency attached. The interest coupons of such bonds shall be signed by the treasurer of said agency. All such signatures and countersignatures may be printed, lithographed or mechanically reproduced, except that one of said signatures or countersignatures to said bonds shall be manually affixed.

If the bond election proceedings have been limited to and have applied only to an improvement district within said district, said bonds are bonds of the agency and shall be issued in the name of the agency and shall be designated "Bonds of the Crestline-Lake Arrowhead Water Agency for Improvement District No. _____" and each bond and all interest coupons thereof shall state that taxes levied for the payment thereof shall be levied exclusively upon the taxable property in said improvement district.

Before selling the bonds, or any part thereof, the board of directors shall give notice inviting sealed bids in such manner as it may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if said board determines that the bids received are not satisfactory as to price or responsibility of the bidders, it may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

The proceeds arising from the sale of bonds shall be paid into the treasury of the agency and placed to the credit of a special improvement fund and expended only for the purpose for which the indebtedness was created; provided, however, that when said purpose has been accomplished any moneys remaining in said special improvement fund may be transferred to the fund to be used for the payment of principal of and interest on the bonds. Said remaining moneys remaining from the sale of bonds of the agency may also be used for some other agency purpose. Such moneys remaining from the sale of bonds of the agency for an improvement district therein may also be used for any purpose which will benefit the property in the improvement district. Said moneys may not be used for said other agency purpose or improvement district purpose until two-thirds of the qualified voters of said agency or improvement district have consented thereto at a special election called in said agency or improvement district by the board of directors. Notice of said election shall be given in the manner provided for bond elections in said agency or improvement district, as the case may be, and in other respects the election shall be conducted as are other agency elections.

SEC. 5. Section 29 of the Crestline-Lake Arrowhead Water Agency Act (Chapter 40 of the Statutes of 1962 First Extraordinary Session) is amended to read:

Sec. 29. The board of directors shall determine the amounts necessary to be raised by taxation during the fiscal year and shall fix the rate or rates of tax to be levied which will raise the amounts of money required by the agency, and within a reasonable time previous to the time when the board of supervisors is required by law to fix its tax rate, the board of di-

rectors shall certify to the board of supervisors the rate or rates so fixed and shall furnish to the board of supervisors a statement in writing containing the following: (a) an estimate of the minimum amount of money required to be raised by taxation during the fiscal year for the payment of the principal of and interest on any bonded debt of the agency or of an improvement district thereof as will become due before the proceeds of a tax levied at the next general tax levy will be available; (b) an estimate of the minimum amount of money required to be raised by taxation during the fiscal year for all other purposes of the district. The board of directors shall direct that at the time and in the manner required by law for the levying of taxes for county purposes, such board of supervisors shall levy, in addition to such other tax as may be levied by such board of supervisors, at the rate or rates so fixed and determined by the board of directors, a tax upon the property within the agency, or improvement district thereof benefited by the bonded debt, as the case may be, and it is made the duty of the officer or body having authority to levy taxes within each county to levy the tax so required; provided, that the tax rate set by the board for purposes other than raising the moneys necessary for the payment of the principal of and interest on any bonded debt of the agency or of an improvement district thereof shall in no event exceed one dollar ($1) per one hundred dollars ($100) of assessed valuation unless a higher rate has been approved by the voters of the agency at an election called by the board and held for that purpose. The resolution of the board calling the special election, and the ballot, shall stipulate the amount of the tax rate increase, the period of time in which such increase shall remain effective, and the reasons for such increase. A special election calling for a tax rate increase may be consolidated with any other election pursuant to the provisions of Chapter 4 (commencing with Section 23300) of Part 2 of Division 12 of the Elections Code Taxes for the payment of the interest on or principal of any bonded debt shall be levied on the property within the agency, or improvement district thereof, benefited by the bonded debt, as determined by the board of directors in the resolution declaring the necessity to incur the debt. Taxes for other purposes of the agency shall be levied on all property in the district or portion thereof subject to the particular tax. It shall be the duty of all county officers charged with the duty of collecting taxes to collect such tax in the time, form, and manner as county taxes are collected, and when collected to pay the same to the agency. Taxes for the payment of a bonded debt and the interest thereon shall be a lien on all the property benefited thereby as stated in the resolution of the board of directors declaring the necessity to incur the debt. All taxes for other purposes of the agency shall be a lien on all the property in the agency subject to the respective tax. Agency taxes, whether for payment of a bonded indebtedness and the interest thereon or for other purposes, shall be of the same

force and effect as other liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes.

CHAPTER 110

An act to amend Section 221 of the Fish and Game Code, relating to fish and game, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 22, 1969. Filed with Secretary of State May 22, 1969.]

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

SECTION 1. Section 221 of the Fish and Game Code is amended to read:

221. The provisions of this article are effective until the 91st day after the final adjournment of the 1973 Regular Session of the Legislature and thereafter shall have no force or effect.

SEC. 2. Notwithstanding any other provision of law, in addition to any other regular or special meeting, the Fish and Game Commission may hold a special meeting in May or June of 1969 to reconsider and revise any regulations established by the commission pursuant to Chapter 2 (commencing with Section 200) of Division 1 of the Fish and Game Code in regard to bag limits for salmon or seasons during which salmon may be taken under the authority of a sport fishing license.

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 provide for the proper protection and management of the species it is necessary that regulations relating to bag limits and seasons during which salmon may be taken under the authority of a sport fishing license be revised as soon as possible. In order to authorize the Fish and Game Commission to take the necessary steps to make urgently needed revisions in such regulations, it is necessary that this act go into immediate effect.

CHAPTER 111

An act to amend Section 28051 of, and to add Section 28052 to, the Vehicle Code, relating to motor vehicles.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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.

SEC. 2. Section 28052 is added to the Vehicle Code, to read:

28052. If a manufacturer, distributor, or dealer of a new motor vehicle makes any warranty to the purchaser of, and with respect to, a new motor vehicle which is based on the amount of miles that the motor vehicle is driven, only those miles which the motor vehicle has been driven on and after the date that the motor vehicle has first been sold as new to the purchaser shall be considered for purposes of the warranty.

The mileage indicated upon the odometer of the motor vehicle on the date that the motor vehicle is first sold as new to the purchaser shall, for purposes of the warranty, be the mileage upon which the warranty shall commence.

Nothing in this section shall be construed to relieve any person of any criminal punishment to which he would otherwise be subject under Section 28051.

The provisions of this section shall apply only to motor vehicles which are sold on or after the effective date of this section.

CHAPTER 112

An act to amend Section 2860.5 of the Business and Professions Code, relating to nurses.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 2860.5 of the Business and Professions Code is amended to read:

2860.5. A licensed vocational nurse when directed by a physician and surgeon may do all of the following:

(a) Administer medications by hypodermic injection.

(b) Withdraw blood from a patient for the purpose of testing, if prior thereto such nurse has been instructed by a physician and surgeon and has demonstrated competence to such physician and surgeon in the proper procedure to be employed when withdrawing blood.

CHAPTER 113

An act to amend Section 860 of the Civil Code, relating to powers.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 860 of the Civil Code is amended to read:

860. Where a power is vested in several persons, all must unite in its execution; but, in case any one or more of them is dead, is legally incapable of exercising the power, or releases the power, the power may be executed by the others, unless otherwise prescribed by the terms of the power.

CHAPTER 114

An act to amend Section 2469.2 of the Civil Code, relating to fictitious name certificates.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 2469.2 of the Civil Code is amended to read:

2469.2. Every certificate of fictitious name filed under the authority of this chapter shall expire and be of no further force and effect at the end of five years following the first day of January next after the filing of a certificate of fictitious name with the county clerk in accordance with Section 2466, unless at any time within 12 months immediately preceding said date of expiration a renewal certificate containing all information required in the original certificate and subscribed and acknowledged as required by that section is filed with the county clerk with whom said original is on file. No such renewal certificate need be published unless there has been a change in the information required in the original certificate, in which event publication shall be made as provided for the original certificate.

Every certificate of fictitious name filed before January 1, 1967, with the county clerk pursuant to Section 2466 shall expire, and be of no further force and effect on and after January 1, 1972, unless at any time on or after January 1, 1971, but not later than December 31, 1971, a renewal certificate in accordance with this section is filed with said county clerk.

CHAPTER 115

An act to amend Section 662.5 of the Code of Civil Procedure, relating to new trials.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 662.5 of the Code of Civil Procedure is amended to read:

662.5. In any civil action where after trial by jury an order granting a new trial limited to the issue of damages would be proper, the trial court may in its discretion:

(a) If the ground for granting a new trial is inadequate damages, make its order granting the new trial subject to the condition that the motion for a new trial is denied if the party against whom the verdict has been rendered consents to an addition of so much thereto as the court in its independent judgment determines from the evidence to be fair and reasonable.

(b) If the ground for granting a new trial is excessive damages, make its order granting the new trial subject to the condition that the motion for a new trial is denied if the party in whose favor the verdict has been rendered consents to a reduction of so much thereof as the court in its independent judgment determines from the evidence to be fair and reasonable.

CHAPTER 116

An act to repeal Sections 10655, 10656, 10834 and 10839 of the Fish and Game Code, relating to game refuges.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 10655 of the Fish and Game Code is repealed.

SEC. 2. Section 10656 of the Fish and Game Code is repealed.

SEC. 3. Section 10834 of the Fish and Game Code is repealed.

SEC. 4. Section 10839 of the Fish and Game Code is repealed.

CHAPTER 117

An act to amend Section 11171 of the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 11171 of the Welfare and Institutions Code is amended to read:

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 city, county, or city and county agency, a local health district, a voluntary nonprofit agency, or with an individual under exceptional circumstances where needed services cannot otherwise be provided. Such a contract shall include a provision that assures preference will be given to the employment of recipients of public assistance.

CHAPTER 118

An act to add Section 869.5 to the Penal Code, relating to transcriptions of proceedings.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 869.5 is added to the Penal Code, to read:

869.5. Upon request of the judge, the district attorney shall make the original transcript available to the judge a reasonable time in advance of any motion or other proceeding relating to the accusation.

CHAPTER 119

An act to amend Section 19594 of the Education Code, relating to state school building aid.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 19594 of the Education Code is amended to read:

19594. Whenever a conditional apportionment has, prior to the 61st day after the adjournment sine die of the 1969 Regular Session of the Legislature, been made to an applicant school district pursuant to this chapter and thereafter the county superintendent of schools of the county having jurisdiction over such district has certified to the board and the State Controller that at an election called, held and conducted in the district for that purpose, two-thirds of the qualified electors of the district voting thereat authorized the governing board of the applicant school district to accept, expend and repay an apportionment under the provisions of this chapter, and whenever thereafter said county superintendent of schools has certified to the board and the State Controller that the amount of bonds, if any, required by the board, as a condition to the apportionment becoming final, have been issued and sold and the proceeds thereof made available for the purposes of the application and the board has certified to the State Controller that the apportionment to the applicant school district has become final, such final apportionment is hereby confirmed, ratified, and validated, and any expenditure of money from the State School Building Aid Fund according to the terms of such final apportionment is hereby confirmed, ratified, and validated.

CHAPTER 120

An act to amend Section 182 of the Civil Code, relating to marriage.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 182 of the Civil Code is amended to read:

182. For the purpose of application of the laws of succession set forth in the Probate Code to a decedent, and for the purpose of determining the validity of a marriage under the laws of this state, an alliance entered into prior to 1958, which, by custom of the Indian tribe, band, or group of which the parties to the alliance, or either of them, are members, is commonly recognized in such tribe, band, or group as marriage, is deemed a valid marriage under the laws of this state. In the case of such marriages and for such purpose a separation, which, by custom of the Indian tribe, band, or group of which the separating parties, or either of them, are members, is commonly recognized in such tribe, band, or group as a dissolution of marriage, is deemed a valid divorce under the laws of this state.

CHAPTER 121

An act to amend Section 11018.7 of the Business and Professions Code, relating to subdivisions.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969]

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

SECTION 1. Section 11018.7 of the Business and Professions Code is amended to read:

11018.7. No amendments, alterations, modifications, or revocations of any of the provisions contained in the deeds, conveyances, leases, subleases, declarations of restrictions, articles of incorporation, bylaws, management contracts, or any documents by which interests of the types described in Section 11004.5 will be or are transferred or controlled which would materially change the rights, preferences, or privileges of any person, or restrictions upon any lot, apartment, or condominium affected thereby shall become effective or legally binding without the prior written consent of the Real Estate Commissioner whether prior or subsequent to the issuance or denial of a public report; provided, however, consent of the commissioner shall not be required after three years from the date the subdivider ceases to hold or directly control one-third of the votes that may be cast to effect such amendments, alterations, modifications, or revocations. The commissioner shall refuse to grant such consent if he finds that the proposed change would constitute grounds for denial of the issuance of a public report under Section 11018 or 11018.5. Applications for written consent may be prepared and filed by any interested person and shall be prepared in such form as may be prescribed by the commissioner. Each such application shall be accompanied by a filing fee, in an amount to be fixed by regulation but not in excess of twenty-five dollars ($25).

There shall be no written solicitation of owners to effectuate any change referred to above and there shall be no official meeting of owners to effectuate a change referred to above without first submitting such a proposal to the commissioner for approval; provided, however, the management body may meet for the purpose of deciding whether or not the proposal should be submitted to the commissioner.

CHAPTER 122

An act to maintain the Government Code by amending Sections 9142, 9350.3, 9353, 9354.1, 9600, 9906.05, 18731, 24300, 24304, 31831, 50362, 50363, 53800, 61452, 65303, and 72051, by amending and renumbering Section 403 as added by Chapter 919 of the Statutes of 1967, Section 31664.01, and Section 70050.7 as added by Chapter 922 of the Statutes of 1967, and by repealing Sections 8900, 11562, 19102, Article 3 (commencing with Section 25940) of Chapter 9 of Part 2 of Division 2 of Title 3, Section 31664 and Section 31664.65 as added by Chapter 550 of the Statutes of 1967, relating to the system of state and local government.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 403 of the Government Code as added by Chapter 919 of the Statutes of 1967 is amended and renumbered to read:

405. When the Great Seal of the state is prepared in color, the following colors shall be used:

The field of the seal shall be Independence Blue, Cable No. 70076; the outer circle shall be Golden Poppy, Cable No. 70071; the 31 stars and the words "Eureka" and "The Great Seal of the State of California" shall be white; the two circles bordering the words shall be Spanish Yellow, Cable No. 70068; the mountains shall be shades of Orchid, Cable No. 70133, and Amethyst, Cable No. 70134; the water shall be Grotto Blue, Cable No. 70022; the ships shall be Independence Blue, Cable No. 70076, and white; the smoke of the steamboat shall be Independence Blue, Cable No. 70076; the terrain shall be shades of Oakwood, Cable No. 70094, and Cork, Cable No. 70092; the miner's shirt and pick shall be Plum, Cable No. 70135; the rocker, bowl, and shovel shall be Golden Poppy, Cable No. 70071; the face and arms of Goddess Minerva and of the miner shall be Ecru, Cable No. 70103; the helmet and breastplate of Minerva shall be Robins Egg, Cable No. 70204; the dress of Minerva shall be white; the robe of Minerva and the pants of the miner shall be Cardinal, Cable No. 70081; the shield of Minerva and the sheaf of wheat shall be Spanish Yellow, Cable No. 70068 and Oakwood, Cable No. 70094; the spear of Minerva shall be Oakwood, Cable No. 70094 and the tip white; the vine shall be Spring Green, Cable No. 70061; the grass shall be Irish Green, Cable No. 70168; the bear shall be in colors as set forth in Section 420.

All white shall be Cable No. 70001.

All Cable number colors herein specified are those of the Textile Color Card Association of the United States, Inc., New York.

SEC. 2. Section 8900 of the Government Code is repealed.

SEC. 3. Section 9142 of the Government Code is amended to read:

9142. The committee is authorized to make rules governing its own proceedings and to create subcommittees from its membership and assign to such subcommittees any study, inquiry, investigation, or hearing which the committee itself has authority to undertake or hold. The provisions of Rule 36 of the Joint Rules of the Senate and Assembly relating to investigating committees shall apply to the committee and it shall have such powers, duties and responsibilities as the Joint Rules of the Senate and Assembly shall from time to time prescribe, and all the powers conferred upon committees by Section 11, Article IV, of the Constitution.

SEC. 4. Section 9350.3 of the Government Code is amended to read:

9350.3. "Board of Administration" or "board" means the Board of Administration of the Public Employees' Retirement System.

SEC. 5. Section 9353 of the Government Code is amended to read:

9353. This system shall be administered by the Board of Administration of the Public Employees' Retirement System.

SEC. 6. Section 9354.1 of the Government Code is amended to read:

9354.1. The board has the exclusive control of the administration and investment of the fund, with the same powers and duties, and subject to the same limitations and restrictions, that are applicable to the administration and investment of the Public Employees' Retirement Fund All of the provisions of the Public Employees' Retirement Law applicable to the administration, investment, and custody of the Public Employees' Retirement Fund are hereby made applicable to the Legislators' Retirement Fund, to the same extent and with the same effect as if the Legislators' Retirement Fund were expressly mentioned therein.

SEC. 7. Section 9600 of the Government Code is amended to read:

9600. Every statute passed at a regular session of the Legislature, unless a different time is prescribed therein, takes effect on the 61st day after the final adjournment of the session of the Legislature which passed such statute. Every statute passed at a special session of the Legislature, unless a different time is prescribed therein, takes effect on the 91st day after the final adjournment of the special session of the Legislature which passed such statute.

SEC. 8. Section 9906.05 of the Government Code is amended to read:

9906.05. Registration within 30 days immediately preceding a regular session of the Legislature shall be deemed a registration at that regular session as required by Section 9906.

SEC. 9. Section 11562 of the Government Code is repealed.

SEC. 10. Section 18731 of the Government Code is amended to read:

18731. Upon a request from any appointing power for temporary help which can be filled from those employed by the board in the clerical pool, the board shall assign such persons as are needed.

Upon such assignment such persons may be temporarily transferred for payroll purposes only to the appointing power to which they are assigned or they may be retained as employees of the board and the appointing power charged pursuant to Section 11253 or Sections 11256 to 11263, inclusive, with the cost of the services, including the salary and provisions for retirement, vacation, and sick leave. The cost in addition to the salary shall not exceed 15 percent.

SEC. 11. Section 19102 of the Government Code is repealed.

SEC. 12. Section 24300 of the Government Code is amended to read:

24300. By ordinance the board of supervisors may consolidate the duties of certain of the county offices in one or more of these combinations:

(a) Sheriff and tax collector.
(b) Auditor and recorder.
(c) County clerk, auditor, and recorder.
(d) County clerk and public administrator.
(e) County clerk and recorder.
(f) County clerk and auditor.
(g) Treasurer and tax collector.
(h) Treasurer and recorder.
(i) Treasurer and assessor.
(j) Treasurer and public administrator.
(k) Public administrator and coroner.
(*l*) District attorney and public administrator.
(m) District attorney and coroner.
(n) Sheriff and coroner.
(o) Sheriff and public administrator.
(p) County agricultural commissioner and county sealer of weights and measures.

SEC. 13. Section 24304 of the Government Code is amended to read:

24304. Notwithstanding the provisions of Section 24300, in counties of the 13th to 57th classes, inclusive, the board of supervisors by ordinance may consolidate the duties of certain of the county offices in one or more of these combinations:

(a) Sheriff and tax collector.
(b) Auditor and recorder.
(c) County clerk, auditor, and recorder.
(d) County clerk and public administrator.
(e) County clerk and recorder.
(f) County clerk and auditor.
(g) Treasurer and tax collector.

(h) Treasurer and recorder.
(i) Treasurer and assessor.
(j) Treasurer and public administrator.
(k) Public administrator and coroner.
(l) District attorney and public administrator.
(m) District attorney and coroner.
(n) Sheriff and coroner.
(o) Sheriff and public administrator.
(p) County agricultural commissioner and county sealer of weights and measures.
(q) County clerk and tax collector.
(r) Treasurer, tax collector, and recorder.
(s) Sheriff, tax collector, and coroner.
(t) Coroner and health officer.

SEC. 14. Article 3 (commencing with Section 25940) of Chapter 9 of Part 2 of Division 2 of Title 3 of the Government Code is repealed.

SEC. 15. Section 31664 of the Government Code is repealed.

SEC. 16. Section 31664.01 of the Government Code is amended and renumbered to read:

31664. Notwithstanding any other provisions of this chapter, the current service pension or the current service pension combined with the prior service pension is an additional pension for safety members purchased by the contributions of the county or district sufficient when added to the service retirement annuity 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 current service or years of current and prior service with which he is entitled to be credited at retirement, but in no event shall the total retirement allowance exceed the limitation of the safety member's final compensation as set forth in Section 31676.1 as it now reads or may hereafter be amended to read:

Age at retirement	Fraction
50	1.0000
50¼	1.0130
50½	1.0259
50¾	1.0387
51	1.0516
51¼	1.0656
51½	1.0796
51¾	1.0937
52	1.1078
52¼	1.1231
52½	1.1384
52¾	1.1538
53	1.1692
53¼	1.1859
53½	1.2028

Age at retirement	Fraction
53¾	1.2195
54	1.2336
54¼	1.2547
54½	1.2730
54¾	1.2915
55	1.3099
55¼	
55½	
55¾	
56	1.3099
56¼	
56½	
56¾	
57	1.3099
57¼	
57½	
57¾	
58	1.3099
58¼	
58½	
58¾	
59	1.3099
59¼	
59½	
59¾	
60 and over	1.3099

The fraction herein set forth shall be used until adjusted by each board for its retirement system in accordance with the interest and mortality tables adopted by each such board.

Contributions shall not be made by safety members having credit for 30 years of continuous service.

SEC. 17. Section 31664.65 of the Government Code as added by Chapter 550 of the Statutes of 1967 is repealed.

SEC. 18. Section 31831 of the Government Code is amended to read:

31831. Any member, whether over or under the minimum age of service retirement, who leaves 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. 19 Section 50362 of the Government Code is amended to read:

50362. By a four-fifths vote, the legislative body of a local agency may convey land which it owns within the state to the

United States for use by the Defense Department or as customs and immigration offices and may expend money from the general fund to acquire such land or to improve the land it owns or has acquired and desires to convey to the United States.

SEC. 20. Section 50363 of the Government Code is amended to read:

50363. Whenever the legislative body determines that it is desirable for the general welfare and benefit of the people, and for the interest of the local agency, it may incur an indebtedness evidenced by negotiable bonds to acquire or improve lands desired to be conveyed to the United States for use by the Defense Department or as customs and immigration offices in consideration of the benefits to be derived by the local agency from the use of the lands by the United States for such purposes. Such bonds may be issued in an amount not exceeding the limitations imposed by law upon the general bonded indebtedness of the local agency.

SEC. 21. Section 53800 of the Government Code is amended to read:

53800. The following terms whenever used in this article have the meanings given in this section except where the context clearly indicates otherwise:

(a) "Local agency" means any county, city, or city and county.

(b) "Board" means the legislative body of the local agency.

(c) "Investing agency" means the Public Employees' Retirement System, as defined by Section 20004.

(d) "Construction" includes the extension, enlargement, repair, renovation, restoration, improvement, and equipping of any public building.

(e) "Public building" includes any structure, building, facility, or work which a local agency is authorized to construct and automobile parking lots, landscaping, and other facilities, including equipment, incidental to the use of any building, and also includes the site thereof, and any easements or rights-of-way appurtenant thereto or necessary for its full use.

(f) "Acquire" includes purchase, condemnation, lease, and gift.

(g) "Cost of a public building" includes, but is not limited to, the cost of all real estate, properties, rights, and easements acquired, the cost of construction of public buildings and equipment of them, all financing charges, interest prior to, during and for a period of six months after construction, engineering, architects' and legal expenses, including the cost of plans, specifications, and surveys, estimates of cost and revenues, administrative expenses, and such other expenses as are necessary or incident to the financing of public buildings, or to determine the feasibility or practicability of any public buildings, and the condemnation of property necessary for use of, or in connection with, any public building.

(h) "Property" includes all property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of this part.

SEC. 22. Section 61452 of the Government Code is amended to read:

61452. Every incumbent of the office of director, whether elected by popular vote for a full term or appointed, may be recalled by the voters in accordance with the recall provisions of the Uniform District Election Law.

SEC. 23. Section 65303 of the Government Code is amended to read:

65303. The general plan may include the following elements or any part or phase thereof:

(a) A conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. The conservation element may also cover:

(1) The reclamation of land and waters.

(2) Flood control.

(3) Prevention and control of the pollution of streams and other waters.

(4) Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.

(5) Prevention, control, and correction of the erosion of soils, beaches, and shores.

(6) Protection of watersheds.

(7) The location, quantity and quality of the rock, sand and gravel resources.

(b) A recreation element showing a comprehensive system of areas and public sites for recreation, including the following and, when practicable, their locations and proposed development:

(1) Natural reservations.

(2) Parks.

(3) Parkways.

(4) Beaches.

(5) Playgrounds.

(6) Other recreation areas.

(c) The circulation element provided for in Section 65302(b) may also include recommendations concerning parking facilities and building setback lines and the delineations of such systems on the land; a system of street naming, house and building numbering; and such other matters as may be related to the improvement of circulation of traffic.

(d) A transportation element showing a comprehensive transportation system, including locations of rights-of-way, terminals, viaducts, and grade separations. This element of the plan may also include port, harbor, aviation, and related facilities.

(e) A transit element showing a proposed system of transit lines, including rapid transit, streetcar, motor coach and trolley coach lines, and related facilities.

(f) A public services and facilities element showing general plans for sewerage, refuse disposal, drainage, and local utilities, and rights-of-way, easements, and facilities for them.

(g) A public building element showing locations and arrangements of civic and community centers, public schools, libraries, police and fire stations, and other public buildings, including their architecture and the landscape treatment of their grounds.

(h) A community design element consisting of standards and principles governing the subdivision of land, and showing recommended designs for community and neighborhood development and redevelopment, including sites for schools, parks, playgrounds and other uses.

(i) A housing element consisting of standards and plans for the elimination of substandard dwelling conditions.

(j) A redevelopment element consisting of plans and programs for the elimination of slums and blighted areas and for community redevelopment, including housing sites, business and industrial sites, public building sites, and for other purposes authorized by law.

(k) A safety element for the protection of the community from fires and geologic hazards including features necessary for such protection as evacuation routes, peak load water supply requirements, minimum road widths, clearances around structures, and geologic hazard mapping in areas of known geologic hazards.

(*l*) Such additional elements dealing with other subjects which in the judgment of the planning agency relate to the physical development of the county or city.

SEC. 24. Section 70050.7 of the Government Code as added by Chapter 922 of the Statutes of 1967 is amended and renumbered to read:

70050.8. In each county with a population of more than 60,000 and less than 65,800 as determined by the 1960 federal census the compensation of official reporters in the superior court shall be fifty dollars ($50) per day.

SEC. 25. Section 72051 of the Government Code is amended to read:

72051. The clerk of a municipal court shall keep among the records of the court such indexes as will insure ready reference to any action or proceeding filed in the court. There shall be separate indexes of plaintiffs and defendants in civil actions and of defendants in criminal actions and the name of each plaintiff and defendant shall be indexed and there shall appear opposite each name indexed the number of the action or proceeding and the name or names of the adverse litigant or litigants, if any, and the date of filing. This section does not apply to criminal actions filed by notice in lieu of a verified complaint pursuant to Section 40513 of the Vehicle Code.

CHAPTER 123

An act to amend Sections 214.01, 270, 271.3, 277 of, to add Section 278 to, and to repeal Sections 155.6, 155.10, 155.11, 155.12, 262.1, 266, 268, 268.6, 268.9, 271 5, 271.6, and 271.7 of, and Chapter 4 (commencing with Section 181), Part 1, Division 1 of, the Revenue and Taxation Code, to amend Section 1 of Chapter 704 of the Statutes of 1968, and to repeal Section 1 of Chapter 80 of the Statutes of 1967, Section 3 of Chapter 645, Section 2 of Chapter 916, and Section 6.3 of Chapter 1351 of the Statutes of 1968, relating to property tax exemptions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 155.6 of the Revenue and Taxation Code is repealed.

SEC. 2. Section 155.10 of the Revenue and Taxation Code is repealed.

SEC. 3. Section 155.11 of the Revenue and Taxation Code is repealed.

SEC. 4. Section 155.12 of the Revenue and Taxation Code is repealed.

SEC. 5. Chapter 4 (commencing with Section 181), Part 1, Division 1 of the Revenue and Taxation Code is repealed.

SEC. 6. Section 214.01 of the Revenue and Taxation Code is amended to read:

214.01. For the purpose of Section 214, property shall be deemed irrevocably dedicated to religious, charitable, scientific, or hospital purposes only if a statement of irrevocable dedication to only these purposes is found in the articles of incorporation of the corporation, or in the case of any other fund or foundation, or corporation chartered by an act of Congress, in the bylaws, articles of association, constitution, or regulations thereof, as determined by the State Board of Equalization.

If, when performing the duties specified by Section 254.5, the board finds that an applicant for the welfare exemption is ineligible therefor, because at the time of the filing of the affidavit required by Section 254.5, the applicant's articles of incorporation, or in the case of any noncorporate fund or foundation, its bylaws, articles of association, constitution or regulations, did not comply with the provisions of this section, the board shall notify the applicant in writing. The applicant shall have until the next succeeding lien date to amend its articles of incorporation, or in the case of any noncorporate fund or foundation, its bylaws, articles of association, constitution or regulations, and to file a certified copy of such amendments that conform to the provisions of this section

with the board, and the board shall make a finding that the applicant, if otherwise qualified, is eligible for the welfare exemption and forward such finding to the assessor.

SEC. 7. Section 262.1 of the Revenue and Taxation Code is repealed.

SEC. 8. Section 266 of the Revenue and Taxation Code is repealed.

SEC. 9. Section 268 of the Revenue and Taxation Code is repealed.

SEC. 10. Section 268.6 of the Revenue and Taxation Code is repealed.

SEC. 11. Section 268.9 of the Revenue and Taxation Code is repealed.

SEC. 12. Section 270 of the Revenue and Taxation Code is amended 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, exhibition, 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, exhibition, 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 first day of March of the calendar year next succeeding the calendar year in which the property was acquired.

SEC. 13. Section 271.3 of the Revenue and Taxation Code is amended to read:

271.3 Any tax or penalty or interest thereon, for any fiscal year commencing during the calendar year 1967 or any calendar year thereafter on property owned by any organization, which would have qualified for the cemetery, church, college, exhibition, orphanage or welfare exemption had the organization been in existence on the lien date in 1967 or any calendar year thereafter, which was acquired by it during that calendar year after the lien date in that year but prior to the commencement of such fiscal year, and of a kind that presently qualifies for such exemption and that would have so qualified for such fiscal year had it been owned by such organization on such lien date and had the organization been in existence on such lien date, shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously and,

if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected. Any cancellation or refund made pursuant to this section shall be made provided an appropriate application for exemption is filed in the case of any tax or penalty, or interest thereon, for the fiscal years commencing during the calendar years 1967 and 1968 by June 30th, 1969, and thereafter before the 1st of March in the calendar year following the calendar year in which the property was acquired.

SEC. 14. Section 271.5 of the Revenue and Taxation Code is repealed.

SEC. 15. Section 271.6 of the Revenue and Taxation Code is repealed.

SEC. 16. Section 271.7 of the Revenue and Taxation Code is repealed.

SEC. 17. Section 277 of the Revenue and Taxation Code is amended 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 first day of March 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. 18. Section 278 is added to the Revenue and Taxation Code, to read:

278. (a) Eighty-five percent of any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1968 or any year thereafter, imposed upon property which would be entitled to relief under the provisions of Section 214.01, 270, 271.3, 271.4, 277 or 279, except for the fact that an appropriate application for exemption was not made or filed within the time required by the applicable section, 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 an appropriate application for exemption is made or filed after the last day on which relief could be granted under the provisions of Section 214.01, 270, 271.3, 271.4, 277 or 279.

(b) Eighty-five percent of any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1967 or any year prior thereto or for any fiscal year commencing during the calendar year 1968 or any year thereafter, imposed on any property qualifying for the cemetery, college, church, exhibition, orphanage, or welfare exemption, but not entitled to relief under the provisions of Section 214.01, 270, 271.3, 271.4, 277 or 279, 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 an appropriate application for exemption is made or filed.

SEC. 19. Section 6.3 of Chapter 1351 of the Statutes of 1968 is repealed.

SEC. 20. Notwithstanding Section 278 of the Revenue and Taxation Code, any tax and any penalty or interest thereon, for any fiscal year commencing during the calendar year 1965, imposed on property owned by an organization qualified for the welfare exemption, which was acquired after July 1, 1965, but prior to July 15, 1965, when the property is of a kind which would have been qualified for the 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 Division 1 of the Revenue and Taxation Code as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of Division 1 of the Revenue and Taxation Code as if it had been erroneously collected. No claim for a cancellation or refund of taxes pursuant to this section shall be granted if an appropriate application for exemption is not filed on or before March 1, 1970

This section shall remain in effect until March 1, 1970, and shall thereafter be of no force or effect.

SEC. 21. Section 1 of Chapter 704 of the Statutes of 1968 is amended to read·

Section 1. Notwithstanding Section 278, any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1967 or 1968 on property as to which the college, welfare, cemetery or church exemption was available for such fiscal year shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of Division 1 of the Revenue and Taxation Code as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of Division 1 of the Revenue and Taxation Code as if it had been erroneously collected. No claim for a cancellation or refund of taxes pursuant to this

section shall be granted if an appropriate application for exemption is not filed on or before March 1, 1970.

SEC. 22. Section 1 of Chapter 80 of the Statutes of 1967 is repealed.

SEC. 23. Section 2 of Chapter 916 of the Statutes of 1968 is repealed.

SEC. 24. Section 3 of Chapter 645 of the Statutes of 1968 is repealed.

SEC. 25. Notwithstanding Section 278 of the Revenue and Taxation Code, for the purposes of Section 268 of the Revenue and Taxation Code, "property as to which the welfare exemption was available for any fiscal year commencing during the calendar year 1965 or 1966" includes property owned by a nonprofit corporation which would otherwise qualify for the welfare exemption, except that at the lien date for that year its articles of incorporation did not provide that its property was irrevocably dedicated to charitable, scientific or hospital purposes, and upon its liquidation, dissolution or abandonment would not inure to the benefit of any private person, except a fund, foundation or corporation organized and operated for charitable, scientific or hospital purposes, if the nonprofit corporation does all of the following:

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

(2) Amended its articles of incorporation during the calendar year 1965 or 1966 or prior to the first day in March, 1969, to provide that its property is irrevocably dedicated to charitable, scientific, or hospital purposes and upon liquidation, dissolution or abandonment of the owner, will not inure to the benefit of any private person, except a fund, foundation or corporation organized and operated for charitable, scientific or hospital purposes.

This section shall remain in effect until March 1, 1970, and shall thereafter be of no force or effect.

SEC. 26. The repeal of any provision of law by this act shall not affect the rights of any party who has claimed a cancellation or refund pursuant to any such provision prior to the 61st day following the final adjournment of the 1969 Regular Session and such party may pursue any remedy available to him as though such provisions had not been repealed.

SEC. 27. Notwithstanding Section 278 of the Revenue and Taxation Code, for the purposes of subdivision (6) of Section 214 of the Revenue and Taxation Code, the property described therein shall include property which would otherwise have qualified for the welfare exemption for any fiscal year commencing during the calendar year 1968 except that on the

lien date for that year its articles of incorporation did not provide that its property was irrevocably dedicated to religious, charitable, scientific or hospital purposes, and upon its liquidation, dissolution or abandonment would not inure to the benefit of any private person except a fund, foundation or corporation organized and operated for charitable, scientific or hospital purposes, if the nonprofit corporation does all of the following:

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

(2) Amended its articles of incorporation during the calendar year 1968 or prior to the first day in March, 1969, to provide that its property is irrevocably dedicated to charitable, scientific or hospital purposes and upon liquidation, dissolution or abandonment of the owner, will not inure to the benefit of any private person, except a fund, foundation or corporation organized and operated for religious, charitable, scientific or hospital purposes.

This section shall remain in effect until March 1, 1970, and shall thereafter be of no force or effect.

SEC. 28 Notwithstanding Section 278 of the Revenue and Taxation Code, any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1965, 1966, 1967, or 1968 on property as subject to the provisions of Sections 20, 21, 25, and 27 of this act 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.

SEC. 29. This act is an urgency statute necessary for the immediate preservation of the public peace, 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 finds and declares that some organizations have inadvertently failed to amend their articles of incorporation to reflect their actual status, in support of the tax exemption of their property which is granted by the State Constitution, and as a result now are confronted with obligations which, if met, will substantially impair their ability to function effectively. This act will remedy the situation by, in effect, removing the procedural bar to the application of the exemption to such property. In doing so, the public

policy of the state as expressed in the Constitution will be entirely fulfilled and the state as a whole will benefit.

The Legislature further finds and declares that some colleges, churches, cemeteries and welfare organizations inadvertently failed to file the required claim for exemption for 1967 and 1968 and have now been called upon to pay high taxes on such property. 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 fulfilled and the state as a whole will benefit.

With respect to Sections 12, 13, 17 and 18 of this act, and Section 2 of Senate Bill No. 153 of the 1969 Regular Session, the Legislature finds and declares there is a need for a comprehensive pattern of permanent curative statutes to avoid annual legislation to remove, on a piecemeal basis, the procedural bars to cemetery, college, church, exhibition, orphanage and welfare organizations obtaining their property tax exemptions. The Legislature further finds and declares that the small amount of tax those organizations might be required to pay because they delayed obtaining their exemptions will not substantially impair their ability to function effectively and will be an offset to burdens placed upon government to especially provide the exemption.

CHAPTER 124

An act to amend Sections 380, 384, and 1080 of the Probate Code, relating to probate time periods.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 380 of the Probate Code is amended to read:

380. When a will has been admitted to probate, any interested person, other than a party to a contest before probate and other than a person who had actual notice of such previous contest in time to have joined therein, may, at any time within four months after such probate, contest the same or the validity of the will. For that purpose he must file in the court in which the will was proved a petition in writing, containing his allegations against the validity of the will or against the sufficiency of the proof, and praying that the probate be revoked.

SEC. 2. Section 384 of the Probate Code is amended to read:

384. If no person contests the validity of a will or of the probate thereof within the time specified in this article, the probate of the will is conclusive; saving to infants and persons of unsound mind who were not made parties to the proceeding a like period of four months after their respective disabilities are removed.

SEC. 3. Section 1080 of the Probate Code is amended to read:

1080. When two months have elapsed after the first publication of notice to creditors, and a petition for final distribution has not been filed, the executor or administrator, or any person claiming to be an heir of the decedent or entitled to distribution of the estate or any part thereof may file a petition setting forth his claim or reason and praying that the court determine who are entitled to distribution of the estate. The clerk shall set the petition for hearing by the court and give notice thereof for the period and in the manner required by Section 1200 of this code. At least 10 days before the date set for the hearing of such petition by the court, the petitioner shall cause notice of the hearing thereof to be mailed to the executor or administrator and to all legatees and devisees and to all known heirs of the decedent, and to all persons (or their attorneys, if they have appeared by attorney) who have requested notice as provided in Section 1202 of this code, or who have given notice of appearance in person or by attorney, addressed to them at their respective post office addresses given in their requests for special notice or notice of appearance, if any, otherwise at their respective offices or places of residence, if known, and if not, at the county seat of the county where the proceedings are pending, or to be personally served upon such persons. Any person may appear and file a written statement setting forth his interest in the estate. No other pleadings are necessary and the allegations of each claimant shall be deemed to be denied by each of the other claimants to the extent that they conflict with any claim of the latter.

Whenever any estate involves, or may involve, a charitable trust, other than a charitable trust with a designated trustee which may lawfully accept such trust, or an escheat to the State of California, the Attorney General shall be deemed to be a person entitled to distribution within the meaning of this section and shall be entitled to file the petition referred to in this section and shall be given written notice of the hearing in the same manner as legatees and devisees

SEC. 3 This act shall apply only to contests after probate where the will has been admitted to probate on or after the effective date of this act, and only to petitions to determine who is entitled to distribution of the estate in probate proceedings in which the first publication of notice to creditors occurs on or after the effective date of this act.

CHAPTER 125

An act to amend Sections 3069 and 3073 of the Civil Code, relating to liens on vehicles.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 3069 of the Civil Code is amended to read:

3069. Any lien provided for in this chapter for labor or materials, or for storage or safekeeping of a vehicle when abandoned on private property may be assigned by written instrument accompanied by delivery of possession of the vehicle, subject to the lien, and the assignee may exercise the rights of a lienholder as provided in this chapter. Any lienholder assigning a lien as authorized herein shall at the time of assigning the lien give written notice either by personal delivery or by registered or certified mail, to the registered and legal owner of the assignment, including the name and address of the person to whom the lien is assigned.

SEC. 2. Section 3073 of the Civil Code is amended to read:

3073. When the lienholder can certify under penalty of perjury that the value of the vehicle subject to the lien does not exceed two hundred dollars ($200), the lienholder may sell such vehicle at public sale, upon the giving of notice as provided in this section. At least 10 days before the sale, the lienholder shall notify the legal owner, the registered owner, and the department by registered mail or registered mail, return receipt requested, certified mail, or United States Post Office certificate of mailing, of the time and place of the sale. At least 10 days before the sale, the lienholder shall also post a notice of the sale in a conspicuous place on the premises where the vehicle is stored, giving the date of the sale and a description of the vehicle, including the make, model, type, and license number.

CHAPTER 126

An act to amend Section 11003.3 of the Revenue and Taxation Code, relating to motor vehicle license fees, making an appropriation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 11003.3 of the Revenue and Taxation Code is amended to read:

11003.3. Upon receiving the report from the Department of Motor Vehicles the Controller shall, after deducting from the amount reported the proportionate amount transferred pursuant to Section 11003, transfer the remainder of the amount reported to the credit of a special account in the General Fund. The money in said special account is hereby appropriated to the Controller who shall disburse to the auditor of each county the net amount of money shown by the report to have been collected under this part on trailer coaches registered in the county.

The money disbursed to the auditor and distributed by him to the county or a city pursuant to Section 11003.4 may be used for county or city purposes, and may, but need not necessarily, be used for purposes of general interest and benefit to the state.

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

The funds to be made available under this act are needed immediately for vital city and county purposes.

CHAPTER 127

An act to amend Section 11005 of the Revenue and Taxation Code, relating to motor vehicle license fees, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 11005 of the Revenue and Taxation Code is amended to read:

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

(a) Fifty percent thereof shall be paid to the cities and cities and counties of this state in the proportion that the

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

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

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

(d) Money disbursed by the Controller pursuant to this section may be used for county or city purposes and may, but need not necessarily, be used for purposes of general interest and benefit to the state

SEC. 2. The Legislature declares that in enacting this amendment to Section 11005 making the money disbursed by the Controller expendable for county or city purposes, there is no implied obligation on the part of the state to make replacement revenue available to cities and cities and counties for law enforcement, the regulation and control and fire protection of highway traffic.

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

This act permits cities and counties to use funds from motor vehicle license fees for city and county purposes and, in order that city and county projects dependent upon these funds be implemented at the earliest date, it is necessary that this act go into immediate effect.

CHAPTER 128

An act to amend Section 30462 of the Revenue and Taxation Code, and to repeal Section 2 of Chapter 543 of the Statutes of 1968 and Section 151 of Chapter 963 of the Statutes of 1967, relating to cigarette taxes, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 2 of Chapter 543 of the Statutes of 1968 is repealed.

SEC. 2. Section 151 of Chapter 963 of the Statutes of 1967 is repealed.

SEC. 3. Section 30462 of the Revenue and Taxation Code is amended to read:

30462. All money deposited in the Cigarette Tax Fund under this part is hereby appropriated, subject to the provisions of any budget bill heretofore or hereafter enacted and Section 11006 of the Government Code, and shall, upon order of the State Controller, be drawn therefrom and allocated for the following purposes:

(a) To pay the refunds authorized by this part.

(b) To pay the Controller an amount not to exceed one hundred fifty thousand dollars ($150,000) in each fiscal year.

(c) For transfer to the credit of a special account in the General Fund, an amount equal to thirty percent (30%) of the money in the fund which is derived from taxes imposed on and after October 1, 1967, such money to be disbursed by the Controller on or before December 15, 1967, and on the 15th day of each month thereafter to each city and county in this state in the following manner:

(1) The money to be allocated pursuant to this subdivision shall first be divided into two separate accounts, one for the cities and counties and counties of this state and one for the cities of this state. In order to determine the amount of money in each account, the Controller shall first determine the amount due each county, city and county and city in this state in the proportion that sales tax revenues transmitted pursuant to Part 1.5 (commencing with Section 7200) of this division to each such city, city and county and in the unincorporated territory of a county bear to the total of such revenue in the

state. The amount due each county and city and county shall be allocated in accordance with this formula and the amount due each city shall be allocated pursuant to paragraph (2) or paragraph (3) of this subdivision.

(2) Upon the application of any city for an allocation pursuant to this paragraph, the Controller shall determine the amount of revenue derived from the city's selective local tax on, or with respect to, the sale, distribution, use, consumption, or holding of cigarettes or any other tobacco product during the 1966–67 fiscal year, or which would have been derived from such tax if the rate in effect on August 1, 1967, had been in effect throughout such fiscal year. This amount shall be adjusted, beginning on July 1, 1969, by the percentage by which the cigarette tax revenues have increased or decreased. For the 1969–1970 fiscal year the percentage shall be derived by comparing the revenues deposited in the Cigarette Tax Fund during the period January 1 through June 30, 1969, with those deposited during the period January 1 through June 30, 1968. For the 1970–1971 fiscal year and each fiscal year thereafter, the percentage shall be derived by comparing revenues deposited in the Cigarette Tax Fund during the preceding fiscal year with those deposited during the entire 1968–1969 fiscal year. The amount computed after applying the percentage factor shall then be reduced by deducting the cost to the city of administering and collecting any such tax for the 1966–1967 fiscal year. If such amount, when divided by 12, is more than the amount which would be disbursed to the city at the time of the next allocation pursuant to paragraph (3) of this subdivision, an amount equal to the amount which such city would have netted from its own tax shall be allocated to such city each month pursuant to this paragraph from the account established for cities in paragraph (1), and no allocation shall be made to such city pursuant to paragraph (3) until such time as the city rescinds its right to receive an allocation under this paragraph. A city which has rescinded such right may not, thereafter, file another application for an allocation pursuant to this paragraph. No city shall be eligible for a subvention pursuant to this paragraph unless, on August 1, 1967, it in fact imposed a selective local tax on, or with respect to, the sale, distribution, use, consumption or holding of cigarettes or any other tobacco product.

(3) (A) After making any allocations required by paragraph (2) of this subdivision, 50 percent of the revenue remaining in the account for the cities of this state shall be allocated to the remaining cities in the proportion that sales tax revenues transmitted pursuant to Part 1.5 (commencing with Section 7200) of this division to each remaining city bears to the total of such revenue transmitted to all remaining cities.

(B) Fifty percent thereof shall be paid to the cities receiving an allocation under this paragraph in the proportion that the population of each such city bears to the total population of all cities in this state receiving an allocation under this

paragraph, as determined by the Controller. For the purpose of this subdivision the population of each city is that determined by the Controller in the manner specified in Section 11005 of this code.

(d) The balance remaining in the fund shall be transferred to the General Fund of this state.

The allocation provided for in subdivision (c) shall not be made to any county, or city which, after October 1, 1967, imposes a selective local tax on, or with respect to, the sale, distribution, use, consumption, or holding of cigarettes or any other tobacco product.

Moneys disbursed pursuant to subdivision (c) of this section may be used for county, city and county, or city purposes, and may, but need not necessarily, be used for purposes of general interest and benefit to the 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:

This act permits cities and counties to use funds from cigarette tax revenues for city and county purposes and, in order that city and county projects dependent upon these funds be implemented at the earliest date, it is necessary that this act go into immediate effect.

CHAPTER 129

An act to amend Section 43015 of the Government Code and Section 155.15 of the Revenue and Taxation Code, relating to property taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 43015 of the Government Code is amended to read.

43015. Notwithstanding any other provision of law, the legislative body of a chartered city which assesses and collects its own property taxes 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, or who acquired such property after March 1, 1968, and is liable for the taxes thereon for the 1968–1969 fiscal year, which property was thereafter damaged or destroyed, without his fault, by a major misfortune or calamity prior to April 1, 1969, in an area or region subsequently proclaimed by the Governor to be in a state of disaster, if such

property was damaged or destroyed by the major misfortune or calamity which caused the Governor to proclaim the area or region to be in a state of disaster, 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 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). If no such application is made and the county assessor determines that the full cash value of such property for the 1969–1970 assessment year is reduced by more than one thousand dollars ($1,000) from the full cash value of the property for the 1968–1969 assessment year due to the damage or destruction caused by the major misfortune or calamity, the assessor shall notify the property owner that the property will be reassessed. 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, if any, or the name of the property owner notified of the reassessment, 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 tax shall be determined as follows:

(a) With respect to property on the secured roll, two-thirds of the tax due on the property as originally assessed at the rate established by the city for the 1968–1969 fiscal year shall be paid; plus

(b) One-third of the tax due on the property as reassessed in its damaged or destroyed condition at the rate established by the city for the 1968–1969 fiscal year shall be paid.

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 Division 1 of the Revenue and Taxation Code, as an erroneously collected tax.

(c) With respect to property on the unsecured roll, two-thirds of the tax due on the property as originally assessed at the rate established by the city for property on the unsecured roll for the 1968–1969 fiscal year shall be paid; plus

(d) One-third of the tax due on the property as reassessed in its damaged or destroyed condition at the rate established by the city for property on the unsecured roll for the 1968–1969 fiscal year shall be paid.

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 Division 1 of the Revenue and Taxation Code, as an erroneously collected tax.

SEC. 2. Section 155.15 of the Revenue and Taxation Code is amended to read:

155.15. 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, or who acquired such property after March 1, 1968, and is liable for the taxes thereon for the 1968–1969 fiscal year, which property was thereafter damaged or destroyed, without his fault, by a major misfortune or calamity, prior to April 1, 1969, in an area or region subsequently proclaimed by the Governor to be in a state of disaster, if such property was damaged or destroyed by the major misfortune or calamity which caused the Governor to proclaim the area or region to be in a state of disaster, may, within the time specified in the ordinance, make application for reassessment of such property and deliver to the assessor a written statement 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). If no such application is made and the county assessor determines that the full cash value of such property for the 1969–1970 assessment year is reduced from the full cash value of such property for the 1968–1969 assessment year by more than one thousand dollars ($1,000) due to the damage or destruction caused by the major misfortune or calamity, the assessor shall notify the property owner that the property will be reassessed. 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, if any, or the name of the property owner notified of the reassessment, 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 tax shall be determined as follows:

(a) With respect to property on the secured roll, two-thirds of the tax due on the property as originally assessed at the

rate established for property on the secured roll for the 1968–1969 fiscal year shall be paid; plus

(b) One-third of tax due on the property as reassessed in its damaged or destroyed condition at the rate established for property on the secured roll for the 1968–1969 fiscal year shall be paid

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 property on the unsecured roll, two-thirds of the tax due on the property as originally assessed at the rate established for property on the unsecured roll for the 1968–1969 fiscal year shall be paid; plus

(d) One-third of the tax due on the property as reassessed in its damaged or destroyed condition at the rate established for property on the unsecured roll for the 1968–1969 fiscal year shall be paid.

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.

This section applies to all counties, whether operating under a charter or under the general laws of this state.

SEC. 3 The boards of supervisors of counties and the legislative body of a chartered city which assesses and collects its own property taxes in areas or regions proclaimed by the Governor to be in a state of disaster may, by ordinance, provide that any taxable property which is damaged or destroyed between March 1, 1969, and May 15, 1969, by the major misfortune or calamity occurring prior to May 1, 1969, that caused such gubernatorial proclamation in the area or region in which the property is located shall be valued for property taxes for the 1969–1970 fiscal year in such damaged or destroyed condition when the assessor is aware of such damage or destruction, or when the owner of such property as of 12:01 a.m. on March 1, 1969, or the person who acquired such property after March 1, 1969, submits an application in writing and under oath to the assessing officials of his property on or before June 1, 1969.

The application shall describe the damage or destruction first appearing between March 1, 1969, and May 15, 1969, or a description of additional damage or destruction appearing during such dates and the causal connection of such damage or destruction to the major misfortune or calamity occurring prior to May 1, 1969, that caused the area or region in which the property is situated to be declared in a state of disaster.

When an application is submitted the assessor, upon satisfying himself as to the accuracy of the statements in the application, 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 described in the ap-

plication. If the assessor is aware of the damage or destruction he 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 of which he is aware.

If the assessor, upon finding a reduction of value, cannot change the valuation fixed upon the assessment roll, he shall transmit to the applicable board of equalization a description of the property, the name of the person making the application, the assessee and the new value of the property. Upon such notice, as it may find to be proper, the board of equalization shall equalize the value submitted by the assessor.

SEC. 4. The county auditor shall certify all reductions in assessed values caused by ordinances adopted pursuant to Section 155.15 of the Revenue and Taxation Code to the State Superintendent of Public Instruction by June 25, 1969. Upon the receipt of such a certification, the Superintendent of Public Instruction shall recompute state equalization aid, supplemental support and transportation allowances for school districts within the county for the 1968–1969 fiscal year and shall pay the additional aid, if any, to the districts.

SEC. 5. Section 3 of this act shall be applicable only for the valuations for ad valorem tax purposes for the 1969–1970 fiscal year and shall apply to the valuations made by the State Board of Equalization pursuant to Article 1 (commencing with Section 1815) of Chapter 2 of Part 3 of Division 1 of the Revenue and Taxation Code, the county assessor, city assessor, and local boards of equalization.

SEC. 6 The Legislature finds and declares that some property in the state may first show signs of damage or show additional damage after March 1, 1969, from the recent storms that occurred in the state on or about that date. It is the intent of the Legislature that such postlien date damage be recognized when valuing property for the 1969–1970 fiscal year. It is not the intent of the Legislature to change or alter the lien date for the 1969–1970 fiscal year but only to relate back to March 1 changes in value that occur after that date in areas where it is reasonable to expect postlien date damage to property.

This act will reflect the true status of property and, if not enacted, some individuals will be confronted with obligations which, if met, will substantially impair their ability to function effectively in restoring their property to its original condition. This act will remedy the situation by, in effect, removing the procedural bar to the proper valuation of such property for tax purposes In so doing, the public policy of the state as expressed in the Constitution will be fulfilled and the state as a whole will benefit.

SEC. 7. As used in Section 3 of this act, "major misfortune or calamity" shall not include any damage to property caused by an oil leak originating from offshore drilling operations.

SEC. 8. Section 3 of this act shall only apply to property described in such section, if the damage or destruction of such

property is in an amount in excess of one thousand dollars ($1,000).

SEC. 9. In enacting Senate Bill No. 257 as Chapter 20 of the Statutes of the 1969 Regular Session of the Legislature, it was not the legislative intent that damaged and destroyed property on the secured and unsecured rolls would be treated in a different manner. It is the purpose of Sections 1 and 2 of this act to correct this oversight and to provide property tax relief for all damaged property on an equal basis.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The disastrous floods, rains, mud slides and other calamities caused by torrential rains and heavy snowpack in the state are destroying and damaging property to such an extent that, unless 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 130

An act to add Section 4804 to the Revenue and Taxation Code, relating to county officers.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 4804 is added to the Revenue and Taxation Code, to read:

4804. The board of supervisors of any county may, by resolution, authorize the county administrative officer, or the county legal advisor, or the county auditor, or any other county officer, or a specified group of any county officers acting as a committee, to perform in its behalf any act required or authorized to be performed by the board of supervisors under this part, if such act is not imposed upon the board of supervisors by the Constitution.

The resolution may, at the request of the county legal advisor, provide for a waiver of the requirement for the written consent of the county legal advisor in any act performed under the provisions of this section.

The resolution shall enumerate those sections or subdivisions, or those portions of sections or subdivisions, to which the authorization is to apply, and shall specify administrative rules and procedures concerning any act performed under the authorization.

The resolution shall require that the county auditor record each act performed under the authorization.

The resolution may provide for review by the board of supervisors of any act performed under the authorization, or for periodic reports to the board of supervisors of any or all acts performed under the authorization, or both.

CHAPTER 131

An act to repeal Sections 7351.5 and 7653 of the Revenue and Taxation Code, relating to taxes on vehicle fuel to provide for the financial support of state highways, county roads and city streets, and other public works, to take effect immediately, tax levy.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 7351.5 of the Revenue and Taxation Code, as amended by Assembly Bill No. 76 of the 1969 Regular Session of the Legislature, is repealed.

SEC. 2. Section 7653 of the Revenue and Taxation Code, as amended by Assembly Bill No. 76 of the 1969 Regular Session of the Legislature, is repealed.

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 132

An act to amend Section 35401 of, and to add Sections 25805 and 26307 to, the Vehicle Code, relating to vehicles.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 25805 is added to the Vehicle Code, to read:

25805. Notwithstanding any other provision of this article, a forklift truck which is towed upon the highway at the end of a combination of vehicles shall at all times be equipped with at least one stop lamp mounted upon the rear of the vehicle and shall be equipped with lamp-type turn signals. Such vehicle shall, during the hours of darkness, be equipped with at least one taillamp and one red reflector mounted upon the rear of the vehicle and shall be equipped with clearance lamps if the vehicle is 80 or more inches in width.

SEC. 2. Section 26307 is added to the Vehicle Code, to read:

26307. No forklift truck manufactured after January 1, 1970, shall be towed behind another vehicle unless it is

equipped with brakes on the wheels of the rearmost axle when the forklift truck is in the towing position, which brakes shall be adequate, supplemental to the brakes on the towing vehicle, to enable the combination of vehicles to comply with the stopping distance requirements of Section 26454.

SEC. 3. Section 35401 of the Vehicle Code is amended to read:

35401. (a) No combination of vehicles coupled together, including any attachments thereto, shall exceed a total length of 60 feet, except as provided in subdivision (b).

(b) The following combinations of vehicles coupled together, including any attachments thereto, may exceed a total length of 60 feet but may not exceed a total length of 65 feet:

(1) Motortruck and trailer.

(2) Truck tractor, semitrailer and trailer. In this combination of vehicles, a semitrailer equipped with an auxiliary dolly shall be considered a trailer.

(3) A motortruck and semitrailer that meet the following requirements:

The kingpin is not less than 2 feet to the rear of the center of the rearmost axle of the motortruck, and the distance from the kingpin to the rearmost axle of the semitrailer does not exceed 34 feet.

(4) A motortruck, trailer and forklift truck.

(5) A truck tractor, semitrailer and forklift truck.

(6) A truck tractor, semitrailer and a semitrailer designed to transport a forklift truck.

(c) Any city or county may, by ordinance, prohibit such combination of vehicles of a total length in excess of 60 feet upon highways under their respective jurisdiction. Such an ordinance shall not be effective until appropriate signs are erected indicating either the streets affected by the ordinance or the streets not affected, as the local authorities determine will best serve to give notice of the ordinance.

CHAPTER 133

An act to add Section 450 to the Vehicle Code, relating to oil well production service units.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 450 is added to the Vehicle Code, to read:

450. An "oil well production service unit" is any vehicle specifically designed for and used exclusively in servicing oil wells which is only incidentally operated or moved on a highway.

CHAPTER 134

An act to amend Sections 545, 714, and 717 of the Code of Civil Procedure, relating to court processes.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 545 of the Code of Civil Procedure is amended to read:

545. Any person owing debts to the defendant, or having in his possession, or under his control, any credits or other personal property belonging to the defendant, may be required to attend before the court or judge, or a referee appointed by the court or judge and be examined on oath respecting the same. The defendant may also be required to attend for the purpose of giving information respecting his property, and may be examined on oath. The court, judge, or referee may, after such examination, order personal property, capable of manual delivery, to be delivered to the sheriff, constable, or marshal on such terms as may be just, having reference to any liens thereon or claims against the same, and a memorandum to be given of all other personal property, containing the amount and description thereof.

If the defendant or other person ordered to appear pursuant to this section fails to do so, and if the order requiring his appearance has been served by a sheriff, constable, marshal, or some person specially appointed by the court in the order, the judge may, pursuant to a warrant, have such defendant or other person brought before the court to answer for such failure to appear.

SEC. 2. Section 714 of the Code of Civil Procedure is amended to read:

714. When an execution against property of the judgment debtor, or of any one of several debtors in the same judgment, may properly be issued, whether or not such execution has been issued or returned, the judgment creditor is entitled to an order from a judge of the court, requiring such judgment debtor to appear and answer concerning his property before such judge, or a referee appointed by him, at a time and place specified in the order. However, a judgment debtor may not, pursuant to this section, be required to appear and answer more frequently than every four months. This section shall not be construed to restrict the rights granted by Section 715.

If the judgment debtor ordered to appear pursuant to this section fails to do so, and if such order has been served by a sheriff, constable, marshal, or some person specially appointed by the court in the order, the judge may, pursuant to a warrant, have such debtor brought before the court to answer for such failure to appear.

SEC. 3. Section 717 of the Code of Civil Procedure is amended to read:

717. After the issuing or return of an execution against property of the judgment debtor, or of any one of the several debtors in the same judgment, and upon proof by affidavit or otherwise, to the satisfaction of the judge, that any person or corporation has property of such judgment debtor, or is indebted to him in an amount exceeding fifty dollars ($50), the judge may, by an order, require such person or corporation, or any officer or member thereof, to appear at a specified time and place before him, or a referee appointed by him, and answer concerning the same.

If the person ordered to appear pursuant to this section fails to do so, and if the order requiring his appearance has been served by a sheriff, constable, marshal, or some person specially appointed by the court in the order, the judge may, pursuant to a warrant, have such person brought before the court to answer for such failure to appear.

CHAPTER 135

An act to amend Section 4374 of the Public Resources Code, relating to rubbish dumps, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 4374 of the Public Resources Code is amended to read:

4374. A rubbish dump shall not be maintained or operated, without providing a clearance of flammables for a minimum distance of 150 feet from the periphery of the accumulation of the rubbish dump. If any structure or building is located within 150 feet of the periphery of the accumulation, the area within a minimum of 100 feet of the periphery of the structure or building shall also be maintained clear of all flammables. Notwithstanding the foregoing, a rubbish dump maintained in a fireproof container and used primarily as a concentration for transport for final disposition of rubbish shall maintain a minimum clearance of flammable material for a distance of 30 feet from the periphery of said container.

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 utilization of steel containers at selected transfer sites for the disposal of rubbish is a matter of great concern to many counties and other public agencies. The utilization of such containers will greatly reduce the fire danger engendered by the disposal of rubbish. A revision on the restrictions as to the area which must be maintained clear of all flammables around rubbish dumps is necessary to make practicable such utilization of containers. In order to insure that a public agency in California will be able to qualify in time for a federal demonstration and implementation grant under the National Waste Disposal Act of 1965 for the development of such a project, it is necessary that this act go into immediate effect. In addition, it is necessary that this act go into immediate effect in order to insure that the benefits arising from the reduction in the fire danger brought about through the use of such containers shall be available before the start of the coming fire season.

CHAPTER 136

An act to amend Sections 21101, 21650, and 21657 of, and to repeal Section 21653 of, the Vehicle Code, relating to highways.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 21101 of the Vehicle Code is amended to read:

21101. Local authorities may adopt rules and regulations by ordinance or resolution on the following matters:

(a) Closing any highway to vehicular traffic when in the opinion of the legislative body having jurisdiction the highway is no longer needed for vehicular traffic.

(b) Designating any highway as a through highway and requiring that all vehicles stop before entering or crossing the same or designating any intersection as a stop intersection and requiring all vehicles to stop at one or more entrances to the intersection.

(c) Prohibiting the use of particular highways by certain vehicles, except as otherwise provided by the Public Utilities Commission pursuant to Article 2 (commencing with Section 1031) of Chapter 5 of Part 1 of Division 1 of the Public Utilities Code.

(d) Closing particular streets during regular school hours for the purpose of conducting automobile driver training programs in the secondary schools and colleges of this state

(e) Temporarily closing a portion of any street for celebrations, parades, local special events, and other purposes when in the opinion of local authorities having jurisdiction such

closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing.

SEC. 1.5. Section 21101 of the Vehicle Code is amended to read:

21101. Local authorities may adopt rules and regulations by ordinance or resolution on the following matters:

(a) Closing any highway to vehicular traffic when in the opinion of the legislative body having jurisdiction the highway is no longer needed for vehicular traffic.

(b) Designating any highway as a through highway and requiring that all vehicles observe official traffic control devices before entering or crossing the same or designating any intersection as a stop intersection and requiring all vehicles to stop at one or more entrances to the intersection.

(c) Prohibiting the use of particular highways by certain vehicles, except as otherwise provided by the Public Utilities Commission pursuant to Article 2 (commencing with Section 1031) of Chapter 5 of Part 1 of Division 1 of the Public Utilities Code.

(d) Closing particular streets during regular school hours for the purpose of conducting automobile driver training programs in the secondary schools and colleges of this state.

(e) Temporarily closing a portion of any street for celebrations, parades, local special events, and other purposes when in the opinion of local authorities having jurisdiction such closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing.

SEC. 2. Section 21650 of the Vehicle Code is amended to read:

21650. Upon all highways a vehicle shall be driven upon the right half of the roadway, except as follows:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement.

(b) When placing a vehicle in a lawful position for, and when the vehicle is lawfully making, a left turn.

(c) When the right half of a roadway is closed to traffic under construction or repair.

(d) Upon a roadway restricted to one-way traffic.

(e) When the roadway is not of sufficient width.

(f) When the vehicle is necessarily traveling so slowly as to impede the normal movement of traffic, that portion of the highway adjacent to the right edge of the roadway may be utilized temporarily when in a condition permitting safe operation.

SEC. 3. Section 21653 of the Vehicle Code is repealed.

SEC. 4. Section 21657 of the Vehicle Code is amended to read:

21657. The authorities in charge of any highway may designate any highway, roadway, part of a roadway, or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic control devices. When a roadway has been so designated, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by traffic control devices.

SEC. 5. It is the intent of the Legislature that if amendments to Section 21101 of the Vehicle Code proposed by both this bill and Senate Bill 15 are enacted, that both amendments be given effect and incorporated in Section 21101 in the form set forth in Section 1.5 of this act. Therefore, in the event Senate Bill 15 is enacted and amends Section 21101, Section 1.5 of this act shall become operative at the same time that Section 21101, as amended by Senate Bill 15, becomes operative and at that time, Section 21101 of the Vehicle Code, as amended by Section 1 of this act, is repealed.

CHAPTER 137

An act to add Section 54931.9 to the Government Code, relating to fire protection districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 54931.9 is added to the Government Code, to read:

54931.9. Notwithstanding Sections 54902 and 54903 of this code, any annexation by a fire protection district shall be effective for assessment and taxation purposes for the 1969–1970 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 3, 1969, and the certificate of completion required by Section 56454 is filed with the Secretary of State on or before February 3, 1969.

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

Unless this act takes effect immediately a fire protection district which has recently annexed territory will not be able to levy taxes on the annexed territory for the 1969–1970 fiscal year to cover the cost of fire protection services to be furnished the territory.

CHAPTER 138

An act to amend Sections 101, 4101, and 4102 of, and to add Section 3806 to, the Agricultural Code; to amend Sections 100, 10004, 10005, 10050, 10059, 10074, 10083, 10130, 10150.6, 10225, 10239.22, 10239.34, 10500, 10587, 10593.6, 10597, 11011.6, 11012, and 11015 of, and to repeal Section 10070 of, the Business and Professions Code; to amend Sections 25600, 25601, 25602, 25604, 25607, 25614, 25702, and 29200 of the Corporations Code; to amend Sections 6001, 6002, 6003, 6972, 13801, 15005, 15005.5, and 15005.6 of the Education Code; to amend Sections 200, 210, 256, 5025, 5200, 5251, 18611, 22410, and 24409 of, and to amend the heading of Chapter 2 (commencing with Section 5200) of Part 1 of Division 2 and the heading of Article 3 (commencing with Section 5300) of Chapter 2 of Part 1 of Division 2 of, and to repeal Section 5253 of, the Financial Code; to amend Sections 11551, 11558.2, 12040, 12050, 12053, 12054, 12055, 12800, 12801, 12802, 12803, 12803.2, 12803.3, 12803.4, 12804, 12805, 12850, 12851, 12852, 12853, 12854, 13480, 13481, 13490, 13491, 13492, 13493, 13494, 13495, 13498, 13891, 13892.5, 13975, 13976, 13977, 13978, 13979, 13980, 13981, 13982, 13983, 14000, 14005, 14007, 14601, 14760, 15700, 15854.5, 20002, 34200, 34205, 65012.1, 65013.2, 65020.4, and 66503 of, to amend the heading of Chapter 5.5 (commencing with Section 13480) of Part 3 of Division 3 of Title 2, to amend the heading of Part 4.5 (commencing with Section 13975) of Division 3 of Title 2, and to amend the heading of Chapter 3 (commencing with Section 34200) of Division 1 of Title 4 of, to amend and renumber Sections 34211, 34212, 65017.1, 65017.2, 65017.3, and 65019.3 of, to add Sections 12050.2, 12050.4, 12806, 12807, 12808, 12809, 12810, 12850.2, 12850.4, 12850.6, 12855, 13490.2, 13490.4, 13490 6, 13490.8, 13891.2, 13891.4, 13978.2, 13978.4, 13978.6, 13985, 13986, 13987, 13988, 34202.5, 34207, 34208, 34209, 34209.2, 34211, 34215, 34216, and 34217.1 to, to add Part 5.7 (commencing with Section 14980) to Division 3 of Title 2 to, to repeal Part 7 (commencing with Section 15480) of Division 3 of Title 2 and to repeal Article 8 (commencing with Section 65018.1) of Chapter 1.5 of Title 7 of, the Government Code; to amend Section 63.6 of the Harbors and Navigation Code; to amend Sections 100, 13100, 13110, 25730, 25731, 25732, 25733, 25734, 25735, 25736, 25738, 25739, 25750, 25760, 25771, 25805, 25812, 35102, 37050, 37100, 38050, 38100, 38102, 38200, 38201, 38202, 38300, and 39020 of, to add Sections 25730.2, 25730.4, 25730.6, and 25730.8 to, and to add Article 6 (commencing with Section 38310) to Chapter 1 of Division 25 of, the Health and Safety Code; to amend Sections 21, 12906, 12922, and 12975 of the Insurance Code; to amend Section 50 of the Labor Code; to amend Section 63 of the Military and Veterans Code; to amend Sections 5000, 6024, 6025, and 6028.2 of

the Penal Code; to amend Sections 607, 6101, 6102, and 6103 of, and to add Sections 6103.2, 6103.4, 6103.6, and 6103.8 to, the Public Resources Code; to amend Sections 21004, 21006, 21007, 21201, 21202, 21204, 21205, 21206, 21207, 21215, 21224, 21240, 21241, 21242, 21243, 21243.5, 21244, 21245, 21246, 21247, 21248, 21249, 21250, 21251, 21252, 21253, 21254, 21255, 21256, 21257, 21258, 21408, 21410, 21412, 21413, 21601, 21602, 21603, 21605, 21631, 21632, 21633, 21634, 21635, 21636, 21637, 21638, 21639, 21640, 21641, 21642, 21643, 21644, 21661, 21662, 21663, 21664, 21665, 21666, 21667, 21668, 21680, 21681, 21682, 21683, 21684, 21685, 21685.5, 21687, 21688, 21690.1, 21690.2, 21691, 21692, 21693, 21694, 24233, 24243, 24245, 24250, 24251, 24252, 24253, 24254, 24300, 24301, 24302, 24325, 24326, 24327, 24350, 24352, 24353, 24354, 24355, 24356, 24357, 24358, 24360, 24361, and 24401 of, to amend the heading of Chapter 2 (commencing with Section 21201) of Part 1 of Division 9 and to amend the heading of Article 1 (commencing with Section 21201) of Chapter 2 of Part 1 of Division 9 of, and to add Section 21006.5 to, the Public Utilities Code; to amend Sections 5366 and 8352 of the Revenue and Taxation Code; to amend Sections 30050 and 30051 of the Streets and Highways Code; to amend Sections 291, 1500, 1505, 2100, 2109, 2901, 2902, 22356, 23340, 23341, 23342, 28101, 28103, 28105, 28107, and 28108 of the Vehicle Code; to amend Section 12510 of, and to repeal Section 13042.5 of, the Water Code; to amend Sections 1710, 3004, 3150, 3300, 4000, 10550, 13921, 13922, 13923, 14061, 14062, 14100.1, 14125, 14126, 14150.2, 14156, 14157, 16304, 18300, 18303, and 18305 of, and to add Chapter 3.5 (commencing with Section 10750) to Part 2 of Division 9 of, the Welfare and Institutions Code, and to amend Section 2 of Chapter 1399 of the Statutes of 1968, relating to the reorganization of the executive branch of the California state government.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 101 of the Agricultural Code is amended to read:

101. There is in the state government, in the Agriculture and Services Agency, the Department of Agriculture.

SEC. 2. Section 3806 is added to the Agricultural Code, to read:

3806. For the purposes of Article 1 (commencing with Section 4101) of Chapter 6 of this part, "department" means the Department of Commerce.

SEC. 3. Section 4101 of the Agricultural Code is amended to read:

4101. The Sixth District Agricultural Association shall be known as the California Museum of Science and Industry. It is within the Department of Commerce, which is a unit of the Agriculture and Services Agency.

SEC. 4. Section 4102 of the Agricultural Code is amended to read:

4102. The California Museum of Science and Industry, with the approval of the Department of Commerce, may build, construct, and maintain and operate a stadium or any arena, pavilion, or other building which is to be used for the holding of sports events, athletic contests, contests of skill, exhibitions, spectacles, and other public meetings. It may lease, let, or grant licenses for the use of such stadium, arena, pavilion, or other building.

SEC. 5. Section 100 of the Business and Professions Code is amended to read:

100. There is in the state government, in the Agriculture and Services Agency, a Department of Professional and Vocational Standards.

SEC. 6. Section 10004 of the Business and Professions Code is amended to read:

10004. "Department" means the Department of Real Es tate in the Business and Transportation Agency.

SEC. 7. Section 10005 of the Business and Professions Code is amended to read:

10005 Whenever the terms "division," "State Real Estate Division," or "Real Estate Division" are used in this division, they mean the Department of Real Estate.

Whenever the terms "State Real Estate Division" or "Real Estate Division" are used in any other law, they mean the Department of Real Estate.

SEC. 8. Section 10050 of the Business and Professions Code is amended to read·

10050. There is in the Business and Transportation Agency a Department of Real Estate, the chief officer of which department is named the Real Estate Commissioner.

It shall be the principal responsibility of the commissioner to enforce all laws in this part (commencing with Section 10000) and Chapter 1 (commencing with Section 11000) of Part 2 in a manner which achieves the maximum protection for the purchasers of real property and those persons dealing with real estate licensees.

SEC. 9. Section 10059 of the Business and Professions Code is amended to read:

10059. The commission may·

(a) Inquire into the needs of the real estate licensees of California, the functions of the department and the matter of the business policy thereof.

(b) Confer and advise with the Governor, the Secretary of the Business and Transportation Agency, and other state officers as to how the department may best serve the state and the real estate licensees of the department.

(c) Make such recommendations and suggestions of policy to the commissioner as the commission deems beneficial and proper for the welfare and progress of the real estate licensees and of the public and of the real estate business in California.

SEC. 10. Section 10070 of the Business and Professions Code is repealed.

SEC. 11. Section 10074 of the Business and Professions Code is amended to read:

10074. After qualifying as such neither the commissioner nor any of the deputies, clerks or employees of the department shall be interested in any mineral, oil or gas business, mineral, oil or gas brokerage firm, real estate company or any real estate brokerage firm, as director, stockholder, officer, member, agent or employee, or act as a broker or salesman, or act as a copartner or agent for any broker or brokers, salesman or salesmen.

SEC. 12. Section 10083 of the Business and Professions Code is amended to read:

10083. The commissioner may periodically issue a bulletin containing matter relating to the department, and to the provisions of this part and of Chapter 1 (commencing with Section 11000) of Part 2, and the administration thereof, and may publish the same character of matter in any established periodical published in the state which in his opinion would be most likely to disseminate such matter and information to licensees under this part.

SEC. 13. Section 10130 of the Business and Professions Code is amended to read:

10130. It is unlawful for any person to engage in the business, act in the capacity of, advertise or assume to act as a real estate broker or a real estate salesman within this state without first obtaining a real estate license from the department.

The commissioner may prefer a complaint for violation of this section before any court of competent jurisdiction, and the commissioner and his counsel, deputies or assistants may assist in presenting the law or facts at the trial.

It is the duty of the district attorney of each county in this state to prosecute all violations of this section in their respective counties in which the violations occur.

SEC. 14. Section 10150.6 of the Business and Professions Code is amended to read:

10150.6. The Real Estate Commissioner shall not grant an original real estate broker's license to any person who has not held a real estate salesman's license for at least two years and qualified for renewal real estate salesman status, within the five-year period immediately prior to the date of his application for the broker's license, and during such time was not actively engaged in the business of real estate salesman, except that an applicant for a real estate broker's license having at least the equivalent of two years' general real estate experience or graduation from a four-year college or university course,

which course included specialization in real estate, files a written petition with the Department of Real Estate setting forth his qualifications and experience, and a committee of not less than three members of the State Real Estate Commission approves, he may be issued a real estate broker's license immediately upon passing the examination and satisfying the other requirements of this article.

SEC. 15. Section 10225 of the Business and Professions Code is amended to read:

10225. An application for a permit to sell real property securities secured by liens on real property situated outside the State of California shall be accompanied by the filing fee together with an amount equivalent to ten cents ($0.10) a mile for each mile going and returning, or where public transportation is available the actual round trip fare pertaining thereto, estimated by the commissioner to be traveled from the office of the Department of Real Estate where the application is filed to the location of the property, and an amount estimated to be necessary to cover the expense of the inspection and appraisal of said property not to exceed fifty dollars ($50) a day for each day actually spent in the inspection and appraisal of said property or properties.

SEC. 16. Section 10239.22 of the Business and Professions Code is amended to read:

10239.22. In any proceeding under this article, the commissioner shall have the power to appoint and employ under his hand and official seal, special deputy commissioners, as his agents, and to employ such clerks and assistants and to give to each of them such power as may by him be deemed necessary. The compensation of special deputy commissioners, clerks, and assistants appointed to carry out the provisions of this article, and all expenses of taking possession, of conserving, conducting, liquidating, disposing of or otherwise dealing with the business and property of such person under this article, shall be fixed by the commissioner, subject to the approval of the court, and shall be paid out of the assets of such person. In the event the property of such person does not contain cash or liquid assets sufficient to defray the cost of the services required to be performed under the terms of this article, the commissioner may at any time or from time to time pay the cost of such services out of the appropriation for the maintenance of the Department of Real Estate. Any amounts so paid shall be deemed expense of administration and shall be repaid to said fund out of the first available moneys in the estate.

SEC. 17. Section 10239.34 of the Business and Professions Code is amended to read:

10239.34. The commissioner shall, through the Secretary of the Business and Transportation Agency, transmit to the Governor an annual report showing:

(a) The names of the persons proceeded against under this article.

(b) Whether such persons have resumed business or have been liquidated.

(c) Such other facts as will acquaint the Governor, the investors, creditors, shareholders and the public with his proceedings under this article.

SEC. 18. Section 10500 of the Business and Professions Code is amended to read:

10500. It is unlawful for any person to engage in the business, act in the capacity of, advertise or assume to act as a mineral, oil and gas broker within this state without first obtaining a mineral, oil and gas license from the department.

The commissioner may prefer a complaint for violation of this section before any court of competent jurisdiction, and the commissioner and his counsel, deputies or assistants may assist in presenting the law or facts at the trial.

It is the duty of the district attorney of each county in this state to prosecute all violations of this section in their respective counties in which the violations occur.

SEC. 18.5. Section 10587 of the Business and Professions Code is amended to read:

10587. The amount of the mineral, oil and gas license fees prescribed for a license under this chapter is that fixed by the following provisions of this article. No part of any fee paid in accordance with the provisions of this chapter is refundable. It is deemed earned by the department upon its receipt.

SEC. 19. Section 10593.6 of the Business and Professions Code is amended to read:

10593.6. If an applicant for any examination fails to take the examination on the date scheduled, he may make application in writing to the principal office of the department in Sacramento for a new date. A fee of four dollars ($4) must accompany the written request to be rescheduled.

SEC. 20. Section 10597 of the Business and Professions Code is amended to read:

10597. For change of name or of address of licensee on the records of the department the fee is four dollars ($4).

SEC. 21. Section 11011.6 of the Business and Professions Code is amended to read:

11011.6. Any owner, agent or subdivider who fails to pay the filing fees required by Sections 11011, 11011.1, or 11011.5 shall be liable civilly in an action brought by the Department of Real Estate, for a penalty in an amount equal to treble the amount of unpaid fees.

SEC. 22. Section 11012 of the Business and Professions Code is amended to read:

11012. It is unlawful for the owner, his agent, or subdivider, of the project, after it is submitted to the Department of Real Estate, to materially change the setup of such offering without first notifying the Department of Real Estate in writing of such intended change. This section only applies to those changes of which the owner, his agent, or subdivider has knowledge or constructive knowledge.

SEC. 23. Section 11015 of the Business and Professions Code is amended to read:

11015. When an inspection is to be made of subdivided lands, situated outside the State of California, being offered for sale or lease in this state, the questionnaire shall be accompanied by the filing fee, together with an amount equivalent to ten cents ($0.10) a mile for each mile going and returning, or where public transportation is available the actual round trip fare pertaining thereto, estimated by the commissioner to be traveled from the office of the Department of Real Estate where the filing is made to the location of the project, and an amount estimated to be necessary to cover the additional expenses of such inspection, not to exceed fifty dollars ($50) a day for each day consumed in the examination of the project.

SEC. 24. Section 25600 of the Corporations Code is amended to read:

25600. There is in the state government, in the Business and Transportation Agency a Department of Corporations, which shall administer the provisions of this division. The chief officer of the Department of Corporations is the Commissioner of Corporations. The commissioner shall be appointed by the Governor and shall hold office at the pleasure of the Governor. He shall receive an annual salary as fixed in the Government Code. Within 15 days from the time of his appointment the commissioner shall take and subscribe to the constitutional oath of office and file it in the office of the Secretary of State, and shall execute an official bond in the penal sum of ten thousand dollars ($10,000).

Whenever the term "Division of Corporations" is used in the law, it means the Department of Corporations.

SEC. 25. Section 25601 of the Corporations Code is amended to read:

25601. The commissioner shall have his principal office in the City of Sacramento, and may establish branch offices in the City and County of San Francisco, in the City of Los Angeles and in the City of San Diego. The commissioner shall from time to time obtain the necessary furniture, stationery, fuel light, and other proper conveniences for the transaction of the business of the Department of Corporations.

SEC. 26. Section 25602 of the Corporations Code is amended to read:

25602 In accordance with the laws governing the state civil service, the commissioner shall employ and, with the approval of the Department of Finance, fix the compensation of such personnel as he needs to discharge properly the duties imposed upon him by law, including stenographic reporters to take and transcribe the testimony in any formal hearing or investigation before the commissioner or before a person authorized by him. The personnel of the Department of Corporations shall perform such duties as the commissioner assigns to them. Such employees as the commissioner designates by rule

or order shall, within 15 days after their appointments, take and subscribe to the constitutional oath of office and file it in the office of the Secretary of State.

SEC. 27. Section 25604 of the Corporations Code is amended to read:

25604. The administration of the Department of Corporations shall be supported from the General Fund of the state.

SEC. 28. Section 25607 of the Corporations Code is amended to read:

25607. (a) Neither the commissioner nor any of his assistants, clerks or deputies during their terms of employment shall be interested as a director, officer, shareholder, member, partner, agent, or employee of any person who, during the period of such official's or employee's association with the Department of Corporations, (1) was licensed or applied for license as a broker-dealer, agent or investment adviser under this division, or (2) applied for or secured the qualification of the sale of securities under this division.

(b) Nothing contained in subdivision (a) of this section shall prohibit the holding or purchasing of any securities by any assistant, clerk, or deputy in accordance with such rules as the commissioner shall adopt for the purpose of protecting the public interest and avoiding conflicts of interest with respect to such assistants, clerks and deputies.

(c) Nothing contained in subdivision (a) of this section shall prohibit the holding or purchasing of any securities by the commissioner if (1) such security is held or purchased through a management account or trust administered by a bank or trust company authorized to do business in this state which has sole investment discretion regarding the holding, purchase and sale of securities, and (2) the commissioner did not, directly or indirectly, advise, counsel, command or suggest the holding, purchase or sale of any such security or furnish any information relating to such security to such bank or trust company, and (3) such account or trust does not at any time have more than 10 percent of its total assets invested in the securities of any one issuer or hold more than 5 percent of the outstanding shares or units of any class of securities of any one issuer. The commissioner shall report to the Attorney General not less often than quarterly all holdings, purchases, and sales of securities by him as authorized in this subdivision, which reports shall be retained by the Attorney General as public documents.

SEC. 29. Section 25614 of the Corporations Code is amended to read:

25614. All rules of the commissioner (other than those relating solely to the internal administration of the Department of Corporations) shall be made, amended or rescinded in accordance with the provisions of the Administrative Procedure Act, Chapter 4 (commencing with Section 11370) of Part 1 of Division 3 of Title 2 of the Government Code. Rules

may be adopted prior to the effective date of this law to become effective upon its effective date.

SEC. 30. Section 25702 of the Corporations Code is amended to read:

25702. Whenever a person is entitled under this law to a hearing in accordance with the provisions of the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, a formal hearing before the Department of Corporations may be substituted with the consent of such person and of the commissioner for such hearing before an independent hearing officer; and in that case after such hearing before the Department of Corporations such person shall not be entitled to any further administrative remedy.

SEC. 31. Section 29200 of the Corporations Code is amended to read:

29200. Every person doing business as a broker or making contracts as a broker or agent for the purchase or sale of any securities or commodities on any board of trade or exchange shall keep or cause to be kept at his office or place of business correct and permanent records or books of account showing each of such transactions as a separate item. The failure so to keep or cause to be kept such records or books of account is prima facie evidence that any such contract was bucketing or bucketshopping.

Such records or books of account shall at all times be open to inspection by the Commissioner of Corporations or by any deputy, investigator, or auditor of the Department of Corporations to whom he may delegate such authority in writing.

SEC. 31.1. Section 6001 of the Education Code is amended to read:

6001. The Department of Education shall aid and assist local school districts in the development and conduct of a program of aviation education. The Department of Aeronautics may aid and assist in the selection of airports and pilots used by the local school districts in flight indoctrination and instruction.

SEC. 31.2. Section 6002 of the Education Code is amended to read:

6002. *The governing board of each district is encouraged to* develop aims and purposes of aviation education designed to include: (a) integration of appropriate aviation concepts throughout the elementary school with units of instruction in science, social studies, and arithmetic; (b) aviation experiences in junior high schools in the areas of social studies, science, and arithmetic; and (c) elective courses in senior high schools and four-year high schools including air transportation, vocational training, economic, social and political implications of aviation, the science of flight, history of aviation, and flight experience where appropriate airports, planes, and pilots are available, and the need for such instruction is indicated. Periodic reports shall be made to the Department of Aeronautics concerning the flight indoctrination and instruction program.

SEC. 31.3. Section 6003 of the Education Code is amended to read:

6003. The Department of Aeronautics is authorized to make available to public schools offering actual flight experience as part of the regular curriculum a basic insurance program and to assure that adequate supervision and precautionary measures are taken by the flight school operators contracted to provide services for public school students. The governing board of any school district offering actual flight experience as part of the regular curriculum may participate in the basic insurance program provided by the commission and pay from the funds of the district a pro rata share of the cost of the insurance program.

SEC. 32. Section 6972 of the Education Code is amended to read:

6972. There is in the Human Relations Agency the Department of Rehabilitation.

SEC. 33. Section 13801 of the Education Code is amended to read:

13801. In order to provide a financially sound plan for the retirement, with adequate retirement allowances, of teachers in the public schools of this state, teachers in schools supported by this state, and other persons employed in connection with the schools, the State Teachers' Retirement System is created to be effective as of July 1, 1944. The system is a unit of the Agriculture and Services Agency.

SEC. 33.1. Section 15005 of the Education Code is amended to read:

15005. To promote the safety of pupils, comprehensive community planning, and greater educational usefulness of school sites, the governing board of each school district, including districts governed by a city board of education if the proposed site is within two miles, measured by air line, of that point on an airport boundary which is nearest the site and excluding them if the property is not so located, before acquiring title to property for a new school site or for an addition to a present site, shall give the State Department of Education notice in writing of the proposed acquisition and shall submit any information required by the Department of Education.

Immediately after receiving notice of the proposed acquisition of property which is within two miles, measured by air line, of that point on an airport boundary which is nearest the site, the Department of Education shall notify the Department of Aeronautics, in writing, of the proposed acquisition. The Department of Aeronautics shall make an investigation and report to the Department of Education within 25 days after receipt of the notice. If the Department of Aeronautics is no longer in operation, the Department of Education shall, in lieu of notifying the Department of Aeronautics, notify the Civil Aeronautics Authority or any other appropriate agency, in writing, of the proposed acquisition for the purpose of obtaining from the authority or other agency such information or assistance as it may desire to give.

The State Department of Education shall investigate the proposed site and within 30 days after receipt of the notice shall submit to the governing board a written report and its recommendations concerning acquisition of the site. The governing board shall not acquire title to the property until the report of the State Department of Education has been received. If the report does not favor the acquisition of the property for a school site or an addition to a present school site, the governing board shall not acquire title to the property until 30 days after the department's report is received and until the department's report has been read at a public hearing duly called after 10 days' notice published once in a newspaper of general circulation within the school district, or if there is no such newspaper, then in a newspaper of general circulation within the county in which the property is located.

SEC. 33.2. Section 15005.5 of the Education Code is amended to read:

15005.5. Notwithstanding the provisions of Section 15005, immediately after receiving notice of a proposed acquisition of property which is within two miles, measured by air line, of that point on an airport boundary which is nearest the site, the Department of Education shall notify the Department of Aeronautics, in writing, of the proposed acquisition. The Department of Aeronautics shall make an investigation and report to the Department of Education within 25 days after receipt of the notice.

Notwithstanding the provisions of Section 15005, if the report of the State Department of Education required by that section does not favor the acquisition of the property for a school site, or an addition to a present school site, the governing body shall not acquire title to the property until 30 days after the department's report is received and until the department's report has been read at a public hearing duly called after 10 days' notice by publication in a newspaper of general circulation within the school district, or if there is no such newspaper, then in a newspaper of general circulation within the county in which the property is located.

SEC. 33.3. Section 15005 6 of the Education Code is amended to read:

15005.6. If, with respect to a proposed site located within two miles of an airport boundary, the report of the Department of Education submitted to a school district governing board under Section 15005 or Section 15005.5 does not favor the acquisition of the site on the sole or partial basis of the unfavorable recommendation of the Department of Aeronautics, no state agency or officer shall grant, apportion, or allow to such school district for expenditure in connection with that site, any state funds otherwise made available under any state law whatever for school site acquisition or school building construction, or for expansion of existing sites and buildings, and no funds of the school district or of the county in which the district lies shall be expended for such purposes; provided that

the provisions of this section shall not be applicable to sites acquired prior to January 1, 1966, nor to any additions or extensions to such sites.

SEC. 34. Section 200 of the Financial Code is amended to read:

200. There is in the state government, in the Business and Transportation Agency, a State Banking Department which has charge of the execution of the laws of this state relating to banks and trust companies and relating to the banking and trust business.

SEC. 35. Section 210 of the Financial Code is amended to read:

210. The chief officer of the State Banking Department is the Superintendent of Banks. His office is a continuance of the office of Superintendent of Banks brought into being by Chapter 76 of the Statutes of 1909. He is the head of the department and, except as otherwise provided in this code, is subject to the provisions of the Government Code relating to department heads. He is a member of the Governor's Council but need not reside in Sacramento.

SEC. 36. Section 256 of the Financial Code is amended to read:

256. During the month of October of each year the superintendent shall, through the Secretary of the Business and Transportation Agency, report to the Governor. The report shall contain the following:

(a) An aggregate abstract of condition for the preceding fiscal year showing assets and liabilities and capital accounts of all banks and trust companies required to report to him.

(b) A statement of all banks and trust companies authorized by him to do business during the preceding fiscal year ended June 30th, giving their names and locations, and the date on which they commenced to transact a banking or trust business.

(c) A statement of the banks and trust companies whose business has been closed during the year.

(d) The names of banks and trust companies in process of liquidation under his supervision and the amount of dividends paid thereon.

(e) The names and compensation of all persons employed by the department, as of the preceding June 30th, the receipts and expenses of the department during the fiscal year, and the balance in the State Banking Fund at the end of the fiscal year.

(f) Any amendments to the laws affecting banks or trust companies or the department which in his judgment may be desirable.

(g) Such other information as in his judgment may prove useful.

SEC. 37. Section 5025 of the Financial Code is amended to read:

5025. Whenever in the laws of this state the words "Building and Loan Association Law," "Division of Building and

Loan," "Building and Loan Commissioner," "Building and Loan Inspection Fund," "building and loan association," and "building and loan business" appear, they shall mean "Savings and Loan Association Law," "Department of Savings and Loan," "Savings and Loan Commissioner," "Savings and Loan Inspection Fund," "savings and loan association," and "savings and loan business," respectively.

Whenever the term "Division of Savings and Loan" is used in this division or in any other law, it means the Department of Savings and Loan.

SEC. 38. The heading of Chapter 2 (commencing with Section 5200) of Part 1 of Division 2 of the Financial Code is amended to read:

CHAPTER 2. DEPARTMENT OF SAVINGS AND LOAN

SEC. 39. Section 5200 of the Financial Code is amended to read:

5200. There is in the state government, in the Business and Transportation Agency, the Department of Savings and Loan. The chief officer of the department is the Savings and Loan Commissioner.

SEC. 40. Section 5251 of the Financial Code is amended to read:

5251. The commissioner shall:

(a) Furnish all associations that have otherwise complied with the requirements of law, licenses authorizing them to transact business for the fiscal year established by the commissioner or for the remainder of such fiscal year.

(b) Receive and place on file in his office the annual and other reports required by law to be made by associations.

(c) Supply each association with blank forms for such reports.

(d) Make a tabulated report to the Governor, through the Secretary of the Business and Transportation Agency, on or before the first day of May in each year, showing the condition of all associations reporting to him. The report shall contain such recommendations as he deems proper, and shall be accompanied by a detailed statement of all money received by him since his last report and the disposition of such money.

SEC. 41. Section 5253 of the Financial Code is repealed.

SEC. 42. The heading of Article 3 (commencing with Section 5300) of Chapter 2 of Part 1 of Division 2 of the Financial Code is amended to read:

Article 3. Assessment for Support of Department

SEC. 43. Section 18611 of the Financial Code is amended to read:

18611. The commissioner shall make and file annually with the Department of Corporations as a public record a composite

of reports filed by companies, and any comments thereon that he deems in the public interest.

SEC. 44. Section 22410 of the Financial Code is amended to read:

22410. The commissioner shall make and file annually with the Department of Corporations as a public record a composite of the annual reports and any comments on the reports that he deems in the public interest.

SEC. 45. Section 24409 of the Financial Code is amended to read:

24409. The commissioner shall make and file annually with the Department of Corporations as a public record a composite of the annual reports and any comments on the reports that he deems in the public interest.

SEC. 48. Section 11551 of the Government Code is amended to read:

11551. An annual salary of twenty-seven thousand five hundred dollars ($27,500) shall be paid to each of the following:

(a) Secretary of the Human Relations Agency.
(b) Secretary of the Business and Transportation Agency.
(c) Secretary of the Resources Agency.
(d) Secretary of the Agriculture and Services Agency.

SEC. 49. Section 11558.2 of the Government Code is amended to read:

11558.2. An annual salary of twenty thousand dollars ($20,000) shall be paid to the State Planning Officer.

SEC. 50. Section 12040 of the Government Code is amended to read:

12040. There is in the state government the Governor's Council. It consists of the following:

(1) Director of Agriculture
(2) Director of Alcoholic Beverage Control
(3) Director of Corrections
(4) Director of the Disaster Office
(5) Director of Education
(6) Director of Employment
(7) Director of Finance
(8) Director of Fish and Game
(9) Director of Industrial Relations
(10) Director of Mental Hygiene
(11) Director of Motor Vehicles
(12) Director of Conservation
(13) Director of Parks and Recreation
(14) Director of Professional and Vocational Standards
(15) Director of Public Health
(16) Director of Public Works
(17) Director of Social Welfare
(18) Director of Veterans Affairs
(19) Director of Water Resources
(20) Director of the Youth Authority
(21) Adjutant General

(22) Commissioner of the California Highway Patrol
(23) Director of General Services
(24) State Fire Marshal.

SEC. 51. Section 12050 of the Government Code is amended to read:

12050. There is in the Agriculture and Services Agency the Office of Consumer Counsel.

The Office of Consumer Counsel succeeds to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction vested in the Consumer Counsel in the office of the Governor.

The Office of Consumer Counsel is under the control of an executive officer known as the Consumer Counsel, who shall be appointed by the Governor, subject to confirmation by the Senate, and shall serve at his pleasure.

SEC. 52. Section 12050.2 is added to the Government Code, to read:

12050.2. The Office of Consumer Counsel may use the unexpended balances of funds available for use by the Consumer Counsel in the office of the Governor in connection with the performance of the functions of the Consumer Counsel in the office of the Governor that are vested by Section 12050 in the Office of the Consumer Counsel. Such funds shall be used by the Office of the Consumer Counsel only for the purposes for which they were originally appropriated or otherwise made available to the Consumer Counsel in the office of the Governor.

SEC. 53. Section 12050.4 is added to the Government Code, to read:

12050.4. The Office of Consumer Counsel shall have the possession and control of all records, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, held for the benefit or use of the Consumer Counsel in the office of the Governor in the performance of the duties, powers, purposes, responsibilities, and jurisdiction of the Consumer Counsel that are vested in the Office of Consumer Counsel by Section 12050.

SEC. 54. Section 12053 of the Government Code is amended to read:

12053. The Consumer Counsel, through the Secretary of the Agriculture and Services Agency, shall advise the Governor as to all matters affecting the interests of the people as consumers. The Consumer Counsel, through the Secretary of the Agriculture and Services Agency, shall recommend to the Governor and to the Legislature the enactment of such legislation as he deems necessary to protect and promote the interests of the people as consumers.

SEC. 55. Section 12054 of the Government Code is amended to read:

12054. The Consumer Counsel in carrying out his functions under Section 12053, shall make such studies as he deems necessary, or as directed by the Governor or the Secretary of

the Agriculture and Services Agency, and may render reports thereon from time to time to the people of the state.

SEC. 56. Section 12055 of the Government Code is amended to read:

12055. In carrying out the provisions of this article, the Consumer Counsel, with the approval of the Secretary of the Agriculture and Services Agency, may:

(a) Appear before governmental commissions, departments, and agencies to represent and be heard on behalf of consumers' interests.

(b) Cooperate and contract with public and private agencies for the obtaining of statistical surveys, printing, economic information, and such similar services as may be necessary and proper

(c) Do such other acts as may be incidental to the exercise of his powers and functions as conferred by this article.

SEC. 57. Section 12800 of the Government Code is amended to read·

12800. There are in the state government the following agencies: Agriculture and Services; Business and Transportation; Human Relations; and Resources.

SEC. 58. Section 12801 of the Government Code is amended to read:

12801. Each agency is under the supervision of an executive officer known as the secretary. Each secretary shall be appointed by and hold office at the pleasure of the Governor. The appointment of each secretary is subject to confirmation by the Senate. The annual salary of each secretary is provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of this code.

SEC. 59. Section 12802 of the Government Code is amended to read:

12802 Before entering upon the duties of his office each secretary shall execute an official bond to the state in the penal sum of fifty thousand dollars ($50 000) conditioned upon the faithful performance of his duties

SEC. 60. Section 12803 of the Government Code is amended to read:

12803. The Health and Welfare Agency is hereby renamed the Human Relations Agency.

The Human Relations Agency consists of the following departments: Social Welfare; Mental Hygiene; Rehabilitation; Public Health; Human Resources Development; the Youth Authority; Corrections; Health Care Services; and Industrial Relations

SEC. 61. Section 12803.2 of the Government Code is amended to read:

12803.2. The Secretary of the Human Relations 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 secretary 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 secretary 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 secretary 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. 61.1. Section 12803.3 of the Government Code is amended to read:

12803.3. No person shall be certified under Section 12803.2 if:

(a) The secretary 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 secretary 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 secretary 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 secretary 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 secretary 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. 61.2. Section 12803.4 of the Government Code is amended to read:

12803.4. The secretary 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 secretary 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. 62. Section 12804 of the Government Code is amended to read:

12804. The Youth and Adult Corrections Agency is hereby renamed the Agriculture and Services Agency.

The Agriculture and Services Agency consists of the following: the Department of Agriculture; the Department of Commerce; the Department of General Services; the Department of Veterans Affairs; the Department of Professional and Vocational Standards; the Franchise Tax Board; the Public Employees' Retirement System; the Office of Consumer Counsel; the State Fire Marshal; and the State Teachers' Retirement System.

The Department of Corrections and the Department of the Youth Authority are hereby transferred from the Youth and Adult Corrections Agency to the Human Relations Agency.

SEC. 63. Section 12805 of the Government Code is amended to read:

12805. The Resources Agency consists of the State Air Resources Board, the Colorado River Board, the Office of Nuclear Energy, the State Water Resources Control Board, and the following departments: Conservation; Fish and Game; Harbors and Watercraft; Parks and Recreation; and Water Resources.

SEC. 64. Section 12806 is added to the Government Code, to read:

12806. (a) The Human Relations Agency succeeds to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction vested in the Health and Welfare Agency in respect to the various agencies in the Health and Welfare Agency listed in Section 12803 on the effective date of this section, with the exception of the Office of Atomic Energy Development and Radiation Protection, which, by Section 12803, is renamed the Office of Nuclear Energy and transferred to the Resources Agency, and the California Commission on Aging (formerly the Citizens' Advisory Commission on Aging).

The Secretary of the Human Relations Agency succeeds to and is vested with all of the duties, powers, purposes, responsibilities, and jurisdiction vested in the Administrator of the Health and Welfare Agency in respect to the various agencies in the Health and Welfare Agency listed in Section 12803 on the effective date of this section, with the exceptions of the Office of Atomic Energy Development and Radiation Protection and the California Commission on Aging.

(b) The Human Relations Agency succeeds to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction vested in the Youth and Adult Corrections Agency in respect to the various agencies in the Youth and Adult Corrections Agency listed in Section 12804 on the effective date of this section, with the exception of the Board of Corrections.

The Secretary of the Human Relations Agency succeeds to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction vested in the Administrator of the Youth and Adult Corrections Agency in respect to the various agencies in the Youth and Adult Corrections Agency listed in Section 12804 on the effective date of this section, with the exception of the Board of Corrections

(c) Any reference in any law to the Health and Welfare Agency or to the administrator of that agency with respect to any agency listed in Section 12803 on the effective date of this section, except the Office of Atomic Energy Development and Radiation Protection or the California Commission on Aging, shall be considered a reference to the Human Relations Agency or to the Secretary of the Human Relations Agency, as the case may be, unless the context otherwise requires.

Any reference in any law to the Youth and Adult Corrections Agency or to the administrator of that agency with respect to any agency listed in Section 12804 on the effective date of this section, except the Board of Corrections, shall be considered a reference to the Human Relations Agency or to the Secretary of the Human Relations Agency, as the case may be, unless the context otherwise requires.

SEC. 65. Section 12807 is added to the Government Code, to read:

12807. (a) The Resources Agency succeeds to and is vested with all the duties, powers, purposes, responsibilities, and

jurisdiction vested in the Health and Welfare Agency in respect to the Office of Atomic Energy Development and Radiation Protection, which, by Section 12803, is renamed the Office of Nuclear Energy and transferred to the Resources Agency.

The Secretary of the Resources Agency succeeds to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction vested in the Administrator of the Health and Welfare Agency in respect to the Office of Atomic Energy Development and Radiation Protection.

(b) Any reference to the Health and Welfare Agency or to the administrator of that agency in any law pertaining to the Office of Atomic Energy Development and Radiation Protection or the Office of Nuclear Energy shall be considered a reference to the Resources Agency or to the Secretary of the Resources Agency, as the case may be, unless the context otherwise requires.

SEC. 66. Section 12808 is added to the Government Code, to read:

12808. The Human Relations Agency and the Resources Agency may use the unexpended balances of funds available for use by the Health and Welfare Agency or the Youth and Adult Corrections Agency in connection with the functions of the Health and Welfare Agency and the Youth and Adult Corrections Agency that are transferred to or vested in the Human Relations Agency or the Resources Agency by Section 12803, 12804, 12806, or 12807, as the case may be. Such funds shall be used by the Human Relations Agency and the Resources Agency only for the purposes for which they were originally appropriated or otherwise made available to the Health and Welfare Agency or the Youth and Adult Corrections Agency.

SEC. 67. Section 12809 is added to the Government Code, to read:

12809. All officers and employees of the Health and Welfare Agency and the Youth and Adult Corrections Agency who, on the effective date of this section, are serving in the state civil service, other than as temporary employees, and engaged in the performance of a function transferred to or vested in the Human Relations Agency or the Resources Agency by Section 12803, 12804, 12806, or 12807 shall be transferred to the Human Relations Agency or the Resources Agency, as the case may be. The status, positions, and rights of such persons shall not be affected by the transfer, and shall be retained by them as officers and employees of the Human Relations Agency or the Resources Agency pursuant to the State Civil Service Act, except as to positions exempt from civil service in the Health and Welfare Agency or the Youth and Adult Corrections Agency.

SEC. 68. Section 12810 is added to the Government Code, to read:

12810. The Human Relations Agency and the Resources Agency shall have the possession and control of all records, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, held for the benefit or use of the Health and Welfare Agency or the Youth and Adult Corrections Agency in the performance of the duties, powers, purposes, responsibilities, and jurisdiction of the Health and Welfare Agency or the Youth and Adult Corrections Agency that are transferred to or vested in the Human Relations Agency or the Resources Agency by Section 12803, 12804, 12806, or 12807.

SEC. 69. Section 12850 of the Government Code is amended to read:

12850. The secretary of each agency has the power of general supervision over, and is directly responsible to the Governor for, the operations of each department, office, and unit within the agency.

SEC. 70. Section 12850.2 is added to the Government Code, to read:

12850.2. The secretary of each agency shall advise the Governor on, and assist him in establishing, major policy and program matters affecting each department, office, or other unit within the agency, and shall serve as the principal communication link for the effective transmission of policy problems and decisions between the Governor and each such department, office, or other unit.

SEC. 71. Section 12850.4 is added to the Government Code, to read:

12850.4. The secretary of each agency shall exercise the authority vested in the Governor in respect to the functions of each department, office, or other unit within the agency, including the adjudication of conflicts between or among the departments, offices, or other units; and shall represent the Governor in coordinating the activities of each such department, office, or other unit with those of other agencies, federal, state, or local.

SEC. 72. Section 12850.6 is added to the Government Code, to read:

12850.6. The secretary of each agency shall be generally responsible for the sound fiscal management of each department, office, or other unit within his agency. He shall review and approve the proposed budget of each such department, office, or other unit. He shall hold the head of each such department, office, or other unit responsible for management control over the administrative, fiscal, and program performance of his department, office, or other unit. He shall review the operations and evaluate the performance at appropriate intervals of each such department, office, or other unit. He shall seek continually to improve the organization structure, the operating policies, and the management information systems of each such department, office, or other unit.

SEC. 73. Section 12851 of the Government Code is amended to read:

12851. Each secretary shall develop and report to the Governor on legislative, budgetary, and administrative programs to accomplish comprehensive, long-range, coordinated planning and policy formulation in the matters of public interest related to his agency. To accomplish this end, the secretary may hold public hearings, consult with and use the services and cooperation of other state agencies, employ staff and consultants, and appoint advisory and technical committees to assist in the work.

SEC. 74. Section 12852 of the Government Code is amended to read:

12852. For the purpose of administration, the secretary of each agency shall review the organization of the agency and report to the Governor on such changes as he deems necessary properly to segregate and conduct the work of the agency.

SEC. 75. Section 12853 of the Government Code is amended to read:

12853. The secretary of each agency and any other officer or employee within the agency designated in writing by the secretary shall have the power of a head of a department pursuant to Article 2 (commencing with Section 11180) of Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

SEC. 76. Section 12854 of the Government Code is amended to read:

12854. Whenever a power is granted to the secretary of an agency, the power may be exercised by such officer or employee within the agency as designated in writing by the secretary.

SEC. 77. Section 12855 is added to the Government Code, to read:

12855. For the purpose of this chapter, "agency" means the Agriculture and Services Agency, the Human Relations Agency, or the Resources Agency, and "secretary" means the secretary of any such agency. The general powers of the Business and Transportation Agency and its secretary are those specified in Part 4.5 (commencing with Section 13975) of Division 3 of Title 2 of this code.

SEC. 78. The heading of Chapter 5.5 (commencing with Section 13480) of Part 3 of Division 3 of Title 2 of the Government Code is amended to read:

CHAPTER 5.5. DIVISION OF ECONOMIC DEVELOPMENT

SEC. 79. Section 13480 of the Government Code is amended to read:

13480. It is hereby declared to be the finding of the Legislature that the maintenance of the economic well-being of the State of California requires affirmative action to ensure the orderly growth of the state's industry, commerce and agriculture. This finding is based on the demonstrated need to: (a) maintain the balance between job opportunities and the

labor force; (b) expand through economic development the tax base necessary to support essential governmental services; (c) maintain high levels of personal and business income; and (d) reduce the burden of unemployment relief on state and local governments. It is the intent of the Legislature that the Division of Economic Development shall provide the leadership and coordination of public and private effort necessary to the full realization of the economic potential of the state. The Division of Economic Development shall ordinarily supplement the work of existing agencies, but it may initiate action on its own behalf when the problems posed are not, in the agency's judgment, being adequately solved elsewhere.

SEC. 80. Section 13481 of the Government Code is amended to read:

13481. Whenever used in this chapter:

(a) "Department" means the Department of Commerce

(b) "Division" means the Division of Economic Development in the Department of Commerce.

(c) "Director" means the Director of Commerce.

SEC. 81. Section 13490 of the Government Code is amended to read:

13490. There is in the Department of Commerce the Division of Economic Development. The head of the agency shall be the Director of Commerce.

SEC. 82. Section 13490.2 is added to the Government Code, to read:

13490.2. (a) The Division of Economic Development succeeds to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction vested in the Economic Development Agency in the Department of Finance.

(b) The Director of Commerce succeeds to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction vested in the Commissioner of the Economic Development Agency.

(c) Any reference in any law to the Economic Development Agency or to the Commissioner of the Economic Development Agency shall be considered a reference to the Division of Economic Development or to the Director of Commerce, as the case may be, unless the context otherwise requires.

SEC. 83. Section 13490.4 is added to the Government Code, to read:

13490.4. The Division of Economic Development may use the unexpended balances of funds available for use by the Economic Development Agency in connection with the functions of the Economic Development Agency that are transferred to or vested in the Division of Economic Development by Section 13490.2. Such funds shall be used by the Division of Economic Development only for the purposes for which they were originally appropriated or otherwise made available to the Economic Development Agency.

SEC. 84. Section 13490.6 is added to the Government Code, to read:

13490.6. All officers and employees of the Economic Development Agency who, on the operative date of this section, are serving in the state civil service, other than as temporary employees, and engaged in the performance of a function transferred to or vested in the Division of Economic Development by Section 13490.2 shall be transferred to the Division of Economic Development. The status, positions, and rights of such persons shall not be affected by the transfer, and shall be retained by them as officers and employees of the Division of Economic Development pursuant to the State Civil Service Act, except as to positions exempt from civil service in the Economic Development Agency.

SEC. 85. Section 13490.8 is added to the Government Code, to read:

13490.8. The Division of Economic Development shall have the possession and control of all records, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, held for the benefit or use of the Economic Development Agency in the performance of the duties, powers, purposes, responsibilities, and jurisdiction of the Economic Development Agency that are vested in the Division of Economic Development by Section 13490.2.

SEC. 86. Section 13491 of the Government Code is amended to read:

13491. The operations of the division are subject to the same fiscal controls and audits by the Director of Finance as are other agencies of the state government. The Director of Commerce shall furnish the personnel, equipment, supplies, housing and housekeeping services necessary to the operation of the division.

SEC. 87. Section 13492 of the Government Code is amended to read:

13492. The director shall serve as the Governor's principal staff adviser on economic development. The director shall be an ex officio member of the Governor's Business Advisory Council.

SEC. 88. Section 13493 of the Government Code is amended to read:

13493. One or more technical advisory committees may be created by the Governor to advise the director in carrying out his functions under this chapter. The members of such committees shall be appointed by the Governor upon the nomination of the director In no event shall the total membership of all of such committees exceed 20 members. The members of such committees, to the extent possible, shall be selected on the basis of their knowledge, ability, and interest in the field of industrial and economic development. Such committees shall act in an advisory capacity only and shall have no administrative authority or responsibility. The committee members shall serve without compensation but shall be reimbursed for their actual and necessary travel expenses in attending committee meetings.

SEC. 89. Section 13494 of the Government Code is amended to read:

13494. The director may contract with other state or private agencies, firms, or individuals for the performance of technical or specialized work.

SEC. 90. Section 13495 of the Government Code is amended to read:

13495. The division shall establish within the state such offices as may be necessary to effectuate the purposes of this chapter, and in this connection shall so locate such offices as to provide convenient, prompt and accessible service to those areas of the state which may be either losing population, or gaining population at a rate materially less than the state average.

SEC. 91. Section 13498 of the Government Code is amended to read:

13498. The Division of Economic Development is authorized to perform the following functions and activities:

(a) Gather, analyze, and correlate pertinent information as developed by other governmental and private agencies, and publish and disseminate statistics useful to industry, commerce, and agriculture.

(b) Sponsor or conduct studies of factors affecting the development, growth or decline of economic activity in California. Special attention shall be given to those businesses which are suitable for expansion, to those factors which hinder expansion, and to the causes of business failures.

(c) Promote and encourage the location and development of new business in the state as well as the maintenance and expansion of existing businesses, and for these purposes cooperate with public and private entities and others both within and outside the state.

(d) Develop and conduct a positive program of promotion and solicitation designed to supplement and improve local efforts to bring industry, commerce and agriculture to California and to aid in the expansion of existing businesses, through such steps as

(i) Sponsoring or conducting studies of the economic potentials of specific areas, and developing standard techniques and formats for such studies by local organizations.

(ii) Advising local communities in identifying and overcoming their handicaps to economic development, and in realizing full advantage of local resources through various self-help measures.

(e) Aid business concerns in their relationships with appropriate federal agencies such as procurement and lending agencies and the Small Business Administration.

(f) Compile periodically a census of business and industry in the state in cooperation with other agencies.

(g) Conduct such studies as are necessary to determine how the effectiveness of this agency can be improved.

(h) Prepare and submit, through the director and the Secretary of the Agriculture and Services Agency, to the Governor and the Legislature reports of the activities of the division and recommendations for such executive or legislative action as may be necessary to improve the business climate of the state.

SEC. 92. Section 13891 of the Government Code is amended to read:

13891. There is in the Department of Commerce an Office of Tourism and Visitor Services.

The Office of Tourism and Visitor Services in the Department of Commerce succeeds to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction vested in the Office of Tourism and Visitor Services in the office of the Governor.

The office shall be administered by a person who shall be appointed by the Governor, subject to confirmation by the Senate, and who shall hold office at the pleasure of the Governor.

SEC. 93 Section 13891.2 is added to the Government Code, to read:

13891.2. The Office of Tourism and Visitor Services in the Department of Commerce may use the unexpended balances of funds available for use by the Office of Tourism and Visitor Services in the office of the Governor in connection with the performance of the functions of the Office of Tourism and Visitor Services in the office of the Governor that are vested by Section 13891 in the Office of Tourism and Visitor Services in the Department of Commerce. Such funds shall be used by the Office of Tourism and Visitor Services in the Department of Commerce only for the purposes for which they were originally appropriated or otherwise made available to the Office of Tourism and Visitor Services in the office of the Governor.

SEC. 94. Section 13891.4 is added to the Government Code, to read:

13891.4. The Office of Tourism and Visitor Services in the Department of Commerce shall have the possession and control of all records papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, held for the benefit or use of the Office of Tourism and Visitor Services in the office of the Governor in the performance of the duties, powers, purposes, responsibilities, and jurisdiction of the Office of Tourism and Visitor Services in the office of the Governor that are transferred to or vested in the Office of Tourism and Visitor Services in the Department of Commerce by Section 13891.

SEC. 95. Section 13892.5 of the Government Code is amended to read:

13892.5. The office shall, through the Secretary of the Agriculture and Services Agency, submit annual reports of its activities to the Governor and the Legislature.

SEC. 96. The heading of Part 4.5 (commencing with Section 13975) of Division 3 of Title 2 of the Government Code is amended to read:

PART 4.5. BUSINESS AND TRANSPORTATION AGENCY

SEC. 97. Section 13975 of the Government Code is amended to read:

13975. There is in the state government the Transportation Agency, which is hereby renamed the Business and Transportation Agency. The agency consists of the following: Department of Aeronautics; Department of the California Highway Patrol; Department of Corporations; Department of Housing and Community Development; Department of Insurance; Department of Motor Vehicles; Department of Public Works; Department of Real Estate; Department of Savings and Loan; and the State Banking Department.

SEC. 98. Section 13976 of the Government Code is amended to read:

13976. The agency is under the supervision of an executive officer known as the Secretary of the Business and Transportation Agency. He shall be appointed by the Governor, subject to confirmation by the Senate, and shall hold office at the pleasure of the Governor.

The annual salary of the secretary is provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of this code.

As used in this part, "agency" and "secretary" refer to the Business and Transportation Agency and the Secretary of the Business and Transportation Agency, respectively, unless the context otherwise requires.

SEC. 99. Section 13977 of the Government Code is amended to read:

13977. Before entering upon the duties of his office the secretary shall execute an official bond to the state in the penal sum of fifty thousand dollars ($50,000) conditioned upon the faithful performance of his duties.

SEC. 100. Section 13978 of the Government Code is amended to read:

13978. The secretary has the power of general supervision over, and is directly responsible to the Governor for, the operations of each department, office, and unit within the agency. He may issue such orders as he deems appropriate to exercise any power or jurisdiction, or to assume or discharge any responsibility, or to carry out or effect any of the purposes vested by law in any department in the agency.

SEC. 101. Section 13978.2 is added to the Government Code, to read:

13978.2. The Secretary of the Business and Transportation Agency shall advise the Governor on, and assist him in establishing, major policy and program matters affecting each de-

partment, office, or other unit within the agency, and shall serve as the principal communication link for the effective transmission of policy problems and decisions between the Governor and each such department, office, or other unit.

SEC. 102. Section 13978.4 is added to the Government Code, to read:

13978.4. The Secretary of the Business and Transportation Agency shall exercise the authority vested in the Governor in respect to the functions of each department, office, or other unit within the agency, including the adjudication of conflicts between or among the departments, offices, or other units; and shall represent the Governor in coordinating the activities of each such department, office, or other unit with those of other agencies, federal, state, or local.

SEC. 103. Section 13978.6 is added to the Government Code, to read:

13978.6. The Secretary of the Business and Transportation Agency shall be generally responsible for the sound fiscal management of each department, office, or other unit within the agency. He shall review and approve the proposed budget of each such department, office, or other unit. He shall hold the head of each such department, office, or other unit responsible for management control over the administrative, fiscal, and program performance of his department, office, or other unit. He shall review the operations and evaluate the performance at appropriate intervals of each such department, office, or other unit, and shall seek continually to improve the organization structure, the operating policies, and the management information systems of each such department, office, or other unit.

SEC. 104. Section 13979 of the Government Code is amended to read:

13979. The secretary shall develop and report to the Governor on legislative, budgetary, and administrative programs to accomplish comprehensive, long-range, coordinated planning and policy formulation in the matters of public interest related to the agency. To accomplish this end, the secretary may hold public hearings, consult with and use the services and cooperation of other state agencies, employ staff and consultants, and appoint advisory and technical committees to assist in the work.

SEC 105. Section 13980 of the Government Code is amended to read:

13980. For the purpose of administration, the secretary shall review the organization of the agency and report to the Governor on such changes as he deems necessary properly to segregate and conduct the work of the agency.

SEC. 106 Section 13981 of the Government Code is amended to read·

13981. The secretary and any other officer or employee within the agency designated in writing by the secretary shall have the power of a head of a department pursuant to Article

2 (commencing with Section 11180) of Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

SEC. 107. Section 13982 of the Government Code is amended to read:

13982. Whenever a power is granted to the secretary, the power may be exercised by such officer or employee within the agency as designated in writing by the secretary.

SEC. 108. Section 13983 of the Government Code is amended to read:

13983. The secretary shall conduct a program relating to the medical aspects of traffic injury and accident control.

SEC. 109. Section 13985 is added to the Government Code, to read:

13985. (a) The Business and Transportation Agency succeeds to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction vested in the Transportation Agency in respect to the various agencies in the Transportation Agency listed in Section 13975 on the effective date of this section.

The Secretary of the Business and Transportation Agency succeeds to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction vested in the administrator of the Transportation Agency in respect to the various agencies in the Transportation Agency listed in Section 13975 on the effective date of this section.

(b) Any reference in any law to the Transportation Agency or to the administrator of that agency, as the "Administrator of Transportation" or otherwise, shall be considered as reference to the Business and Transportation Agency or to the Secretary of the Business and Transportation Agency, as the case may be, unless the context otherwise requires.

SEC. 110. Section 13986 is added to the Government Code, to read:

13986. The Business and Transportation Agency may use the unexpended balances of funds available for use by the Transportation Agency in connection with the performance of the functions of the Transportation Agency that are vested in the Business and Transportation Agency by Section 13985. Such funds shall be used by the Business and Transportation Agency only for the purposes for which they were originally appropriated or otherwise made available to the Transportation Agency.

SEC. 111. Section 13987 is added to the Government Code, to read:

13987. All officers and employees of the Transportation Agency who, on the operative date of this section, are serving in the state civil service, other than as temporary employees, and engaged in the performance of a function transferred to the Business and Transportation Agency by Section 13985 shall be transferred to the Business and Transportation Agency. The status, positions, and rights of such persons shall

not be affected by the transfer, and shall be retained by them as officers and employees of the Business and Transportation Agency pursuant to the State Civil Service Act, except as to positions exempt from civil service in the Transportation Agency.

SEC. 112. Section 13988 is added to the Government Code, to read:

13988. The Business and Transportation Agency shall have the possession and control of all records, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, held for the benefit or use of the Transportation Agency in the performance of the duties, powers, purposes, responsibilities, and jurisdiction of that agency that are vested in the Business and Transportation Agency by Section 13985.

SEC. 113. Section 14000 of the Government Code is amended to read:

14000. There is in the Business and Transportation Agency a Department of Public Works.

SEC. 114. Section 14005 of the Government Code is amended to read:

14005. For the purpose of administration, the director shall organize the department with the approval of the Governor and the Secretary of the Business and Transportation Agency in the manner that they deem necessary properly to segregate and conduct the work of the department. The work of the department shall be divided into at least three divisions known as the Division of Highways, the Legal Division, and the Division of Bay Toll Crossings.

SEC. 115. Section 14007 of the Government Code is amended to read:

14007. With the approval of the Governor and the Secretary of the Business and Transportation Agency, the director may create such other divisions and subdivisions as may be necessary and change or abolish them from time to time.

SEC. 116. Section 14601 of the Government Code is amended to read:

14601. There is in the state government, in the Agriculture and Services Agency, the Department of General Services.

SEC 117. Section 14760 of the Government Code is amended to read:

14760. The director shall, through the Secretary of the Agriculture and Services Agency, make an annual written report to the Governor. The report shall describe the status and progress of programs established pursuant to this chapter and shall include the recommendations of the director for improvements in the management of records in the state government.

SEC. 118. Part 5.7 (commencing with Section 14980) is added to Division 3 of Title 2 of the Government Code, to read:

PART 5.7. DEPARTMENT OF COMMERCE

14980. There is in the state government, in the Agriculture and Services Agency, the Department of Commerce. The department consists of the following: the California World Trade Authority; the Division of Economic Development; the Museum of Science and Industry; and the Office of Tourism and Visitor Services.

14981. The department shall be conducted under the control of an executive officer known as the Director of Commerce, who shall be appointed by the Governor, subject to confirmation by the Senate, and hold office at the pleasure of the Governor. He shall receive the annual salary provided for by Article 1 (commencing with Section 11550) of Chapter 6 of Part 1 of Division 3 of Title 2 of this code.

14982. The provisions of Chapter 2 (commencing with Section 11150) of Part 1 of Division 3 of Title 2 of this code apply to the Director of Commerce, and he is the head of a department within the meaning of that chapter. He shall not, however, have any power to appoint (a) any officers or employees of the Museum of Science and Industry, (b) the Director of the Office of Tourism and Visitor Services, (c) or any officers or employees of any other agency within the Department of Commerce who are exempt from civil service under the provisions of Paragraph 5 of subdivision (a) of Section 4 of Article XXIV of the State Constitution.

14983. The person holding the confidential position to which the Director of Commerce is entitled under Paragraph 5 of subdivision (a) of Section 4 of Article XXIV of the State Constitution shall be the Deputy Director of Commerce.

14984. The Director of Commerce shall coordinate the activities of the several agencies within the Department of Commerce, and provide direction of the programs of those agencies with the objective of promoting and stimulating the economic growth of the State of California.

14985. Except to the extent expressly provided by this part, neither the Department of Commerce nor the Director of Commerce succeeds to the duties, powers, purposes, responsibilities, and jurisdiction vested in the several agencies comprising the department.

14986. Notwithstanding the creation of the Department of Commerce, each agency in the department may continue to use the unexpended balances of funds available for its use for the purposes for which they were originally appropriated or otherwise made available to the agency.

14987. Notwithstanding the creation of the Department of Commerce, any officer or employee of any agency in the Department of Commerce who, on the operative date of this section, is serving in the state civil service, other than as a temporary employee, and engaged in the performance of a function of the agency, shall retain his status, position, and rights as an officer or employee of the agency pursuant to the

State Civil Service Act, except as to a position exempt from civil service in the agency.

14988. Notwithstanding the creation of the Department of Commerce, each agency in the department shall retain the possession and control of all records, papers, offices, equipment, supplies, moneys, funds, appropriations, land, and other property, real or personal, held for the benefit or use of the agency in the performance of its duties, powers, purposes, responsibilities, and jurisdiction.

SEC. 119. Part 7 (commencing with Section 15480) of Division 3 of Title 2 of the Government Code is repealed.

SEC. 120. Section 15700 of the Government Code is amended to read:

15700. There is in the state government, in the Agriculture and Services Agency, a Franchise Tax Board consisting of the State Controller, the Director of Finance and the Chairman of the State Board of Equalization. The Franchise Tax Board is the successor to, and is vested with, all of the duties, powers, purposes, responsibilities, and jurisdiction of the Franchise Tax Commissioner, but the statutes and laws under which that office existed and all laws prescribing the duties, powers, purposes, responsibilities and jurisdiction of that office, together with all lawful rules and regulations established thereunder, are expressly continued in force. "Franchise Tax Commissioner" when used in any statute, law, rule or regulation now in force, or that may hereafter be enacted or adopted, means the Franchise Tax Board. No action to which the Franchise Tax Commissioner is a party shall abate by reason hereof but shall continue in the name of the Franchise Tax Board, and the Franchise Tax Board shall be substituted for the Franchise Tax Commissioner by the court wherein the action is pending. The substitution shall not in any way affect the rights of the parties to the action.

SEC. 120.1. Section 15854.5 of the Government Code is amended to read:

15854.5. To promote the safety of students, comprehensive community planning, and greater educational usefulness of state college sites, the Trustees of the California State Colleges, before the board acquires title to property for any such site, shall undertake the following action:

Immediately after receiving notice of the proposed acquisition of property which is within two miles, measured by air line, of that point on an airport boundary which is nearest the site, the Trustees of the California State Colleges shall notify the Department of Aeronautics, in writing, of the proposed acquisition. The Department of Aeronautics shall make an investigation and report to the trustees within 25 days after receipt of the notice. If the Department of Aeronautics is no longer in operation, the trustees shall, in lieu of notifying the commission, notify the Federal Aviation Agency or any other appropriate agency, in writing, of the proposed acquisition for

the purpose of obtaining from the authority or other agency such information or assistance as it may desire to give.

The Trustees of the California State Colleges shall investigate the proposed site and within 30 days after receipt of the notice shall submit to the board a written report and its recommendations concerning acquisition of the site. The board shall not acquire title to the property until the report of the trustees has been received. If the report does not favor the acquisition of the property for a state college site or an addition to a state college site, the board shall not acquire title to the property until 30 days after the trustees' report is received and until the trustees' report has been read at a public hearing duly called after 10 days' notice published once in a newspaper of general circulation within the county in which the property is located.

SEC. 121. Section 20002 of the Government Code is amended to read:

20002. The Public Employees' Retirement System created by Chapter 700 of the Statutes of 1931, as amended, is continued in existence under this part. The system is a unit of the Agriculture and Services Agency.

SEC. 122. The heading of Chapter 3 (commencing with Section 34200) of Division 1 of Title 4 of the Government Code is amended to read:

CHAPTER 3. COUNCIL ON INTERGOVERNMENTAL RELATIONS

SEC. 123. Section 34200 of the Government Code is amended to read:

34200. There is in the state government an advisory body, the Council on Intergovernmental Relations, composed of three members representing the cities and who shall be city officers, three members representing the counties and who shall be county officers, two members representing the school districts and who shall be school district officers, six members representing the state and who shall be state officers, and four public members with an interest in state and regional affairs. All members shall be appointed by the Governor. The Governor shall appoint the city members from a list of six names submitted by the League of California Cities, the county members from a list of six names submitted by the County Supervisors Association of California, and the school district members from a list of four names submitted by the State Board of Education. The Governor shall designate the chairman from among the four public members.

SEC. 124. Section 34202.5 is added to the Government Code, to read:

34202.5. Each member of the Intergovernmental Council on Urban Growth in office on the effective date of this section shall continue thereafter to serve as a member of the Council on Intergovernmental Relations for the remainder of the term for which he was appointed a member of the Intergovern-

mental Council on Urban Growth. If, however, prior to the expiration of such term he ceases to be an officer of the agency, he was appointed to represent, his membership on the council shall terminate and there shall then be a vacancy on the council.

SEC. 125. Section 34205 of the Government Code is amended to read:

34205. The Governor shall appoint and may remove an executive secretary. The executive secretary may appoint persons to such staff positions as he deems necessary.

SEC. 126. Section 34207 is added to the Government Code, to read:

34207. (a) The Council on Intergovernmental Relations succeeds to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction vested in the Intergovernmental Council on Urban Growth.

(b) The Council on Intergovernmental Relations succeeds to and is vested with all the duties, power, purposes, responsibilities, and jurisdiction vested in the State Office of Planning by the following:

(1) Subdivision (c) of Section 65012.1 of the Government Code.

(2) Subdivision (e) of Section 65013.2 of the Government Code.

(3) Section 65017.1, now Section 34212, of the Government Code.

(4) Section 65017.2, now Section 34213, of the Government Code.

(5) Section 65017.3, now Section 34214, of the Government Code.

(6) Sections 65018.1, 65018.2 and 65018.3, now Sections 34215, 34216, and 34217, respectively, of the Government Code.

SEC. 127. Section 34208 is added to the Government Code, to read:

34208. The Council on Intergovernmental Relations may use the unexpended balance of funds available for use by the Intergovernmental Council on Urban Growth or the State Office of Planning in connection with the performance of the functions of the Intergovernmental Council on Urban Growth or the State Office of Planning that are vested by Section 34207 in the Council on Intergovernmental Relations. Such funds shall be used by the Council on Intergovernmental Relations only for the purposes for which they were originally appropriated or otherwise made available to the Intergovernmental Council on Urban Growth or the State Office of Planning.

SEC. 128. Section 34209 is added to the Government Code, to read:

34209. All officers and employees of the Intergovernmental Council on Urban Growth and the State Office of Planning who, on the operative date of this section, are serving in the state civil service, other than as temporary employees, and

engaged in the performance of a function of the Intergovernmental Council on Urban Growth or the State Office of Planning vested in the Council on Intergovernmental Relations by Section 34207 shall be transferred to the Council on Intergovernmental Relations. The status, positions and rights of such persons shall not be affected by the transfer and shall be retained by them as officers and employees of the Council on Intergovernmental Relations, pursuant to the State Civil Service Act, except as to positions exempt from civil service in the Intergovernmental Council on Urban Growth or the State Office of Planning.

SEC. 129. Section 34209.2 is added to the Government Code, to read:

34209.2. The Council on Intergovernmental Relations shall have the possession and control of all records, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, held for the benefit or use of the Intergovernmental Council on Urban Growth or the State Office of Planning in connection with the performance of the duties, powers, purposes, responsibilities, and jurisdiction of the Intergovernmental Council on Urban Growth or the State Office of Planning that are vested in the Council on Intergovernmental Relations by Section 34207.

SEC. 130. Section 34211 of the Government Code is amended and renumbered to read:

34218. In performing its functions the council shall to the extent possible and whenever practicable make use of such studies and research which have been completed by existing state agencies and commissions, and contract with public agencies or private persons or organizations.

SEC. 131. Section 34211 is added to the Government Code, to read:

34211. The council shall:

(a) Provide planning assistance to city, county, district, and regional planning agencies.

(b) Encourage the formation and proper functioning of city, county, district, and regional planning agencies.

SEC. 132. Section 34212 of the Government Code is amended and renumbered to read:

34219. No regulatory powers are vested in the council.

SEC. 133. Section 34215 is added to the Government Code, to read:

34215. The council shall encourage regional planning and may extend, upon the request of the local governing body or bodies, or of the local planning commission or commissions, or of both, planning assistance and advice respecting regional planning in or for the region, district or area over which such local bodies and agencies of government have jurisdiction, and may also extend such assistance and advice to regional planning commissions and district planning boards when established.

SEC. 134. Section 34216 is added to the Government Code, to read:

34216. The council shall divide the state into regional planning districts in accordance with the recommendations of the planning advisory committee.

SEC. 135. Section 34217.1 is added to the Government Code, to read:

34217.1. So far as possible, the districts shall be established to include:

(a) Natural physiographical regions containing complete watersheds of major streams, and the land upon which the waters of such watersheds are put to beneficial use.

(b) Areas having mutual social and commercial interests, as exemplified by connecting routes of transportation, by trade, and by common use of recreation areas within the region.

SEC. 136. Section 65012.1 of the Government Code is amended to read:

65012.1. It is declared to be the policy of the state and the intent of the Legislature to provide an agency in the state government, of an advisory nature, which agency shall be a coordinating agency for the Governor, functioning through the Director of Finance, and an advisory agency to the Legislature. This agency shall have particular responsibility for:

(a) The preparation, maintenance and periodic revision of a comprehensive state development plan.

(b) The coordination of public works programs undertaken by state agencies.

(c) The undertaking of such other physical planning and coordinating studies and activities as will implement the policies and intent of the Legislature as herein set forth.

SEC. 137. Section 65013.2 of the Government Code is amended to read:

65013.2. The State Office of Planning through the Director of Finance shall:

(a) Prepare, maintain, regularly review and revise a comprehensive, long-range, general plan for the physical growth and development of the state, in cooperation with, and utilizing the physical development plans as prepared by, state, local, regional and federal agencies, which plan shall be known as the State Development Plan.

(b) Assist the Budget Division of the Department of Finance in the preparation of the capital improvement section of the annual budget and a long-term capital improvement program.

(c) Act as a research agency responsible for the coordination of basic studies and investigation of the resources of the state and of existing and emerging developmental problems, and for the undertaking of such studies when necessary.

(d) Act as a central repository for state, federal, regional and local research studies, plans and project proposals relating to the existing and future physical growth and development

of the state and to the conservation, use and development of its resources.

(e) Accept and allocate or expend grants and gifts from any source, public or private, for the purposes of state participation in state, regional and local planning.

(f) Act as the principal staff agency to the Governor and the Director of Finance in matters concerning the physical growth and development of the state and its resources and, in this capacity, undertake special studies and investigations, submit reports and render advice to the Governor and Director of Finance whenever requested.

(g) Provide information to, and cooperate with the Legislature, or any of its committees or officers in connection with studies and matters relevant to the physical growth and development of the state and its resources.

SEC. 138. Section 65017.1 of the Government Code is amended and renumbered to read:

34212. When requested by a local jurisdiction, the council may furnish information and technical and professional advice on the preparation of master or general plans, precise plans or amendments thereto, the preparation of regulations, procedures, programs and legislation required for the systematic execution of master or general plans, and information and technical and professional advice concerning planning problems.

SEC. 139. Section 65017.2 of the Government Code is renumbered and amended to read:

34213. In accordance with the policies of the planning advisory committee, the council may:

(a) Provide planning assistance (including planning surveys, land use studies, urban renewal plans, technical services, and other planning work, but excluding plans for specific public works), in and for any county or city for which planning assistance or planning work is requested by the governing body of the county or city or in and for any planning area, region or district for which planning assistance is requested by the region or area planning commission or district planning board.

(b) Contract for, receive, and utilize any grants or other financial assistance made available by the federal government or from any other source, public or private, for the purposes as set forth in (a) above.

(c) Contract with public agencies or private persons or organizations for any of the above purposes.

(d) Delegate any of its functions to any other state agency authorized to perform such functions, except that responsibility for such functions shall remain solely with the council.

SEC. 140. Section 65017 3 of the Government Code is renumbered and amended to read:

34214. In accordance with the policies of the planning advisory committee, the council may:

(a) Accept grants from federal or state government or their agencies for local, regional, area, district and state planning agencies for the purposes of state, district, regional, area and local planning and accept gifts for such purposes. Under the conditions of such grants or gifts, it may allocate funds so provided for state, district, regional, area or local planning, requiring necessary progress and final reports relating to expenditures made therefrom.

(b) Require or receive reimbursement from any political subdivision or subdivisions, or any area or regional planning commission, or any district planning board receiving assistance under this provision for the actual costs of the planning assistance or planning work, except that no reimbursement shall be required or received for such costs to the extent that such costs are covered by federal or state grants or private gifts.

SEC. 141. Article 8 (commencing with Section 65018 1) of Chapter 1.5 of Title 7 of the Government Code is repealed.

SEC. 142. Section 65019.3 of the Government Code is amended and renumbered to read:

34217. Every city, county, or regional planning commission established pursuant to law shall file on October 1st of each year with the council a complete report of its transactions and recommendations during the previous fiscal year with recommendations for needed legislation respecting planning. In lieu of the report required by this section a city, county, or regional planning commission may file with the council the annual or official report which it files with the legislative body or bodies of the city, county, or region in which it is located.

SEC. 143. Section 65020.4 of the Government Code is amended to read:

65020.4. The Council on Intergovernmental Relations shall provide as complete local planning assistance as the committee shall specify.

SEC. 144. Section 66503 of the Government Code is amended to read:

66503. There is hereby created the Bay Area Transportation Study Commission, which shall consist of 41 members, as follows:

(a) Two members each from the City and County of San Francisco and the Counties of Alameda, Contra Costa, Solano, Napa, Sonoma, Marin, San Mateo, and Santa Clara. With respect to the members representing the City and County of San Francisco, one shall be appointed by the mayor and one shall be appointed by the board of supervisors. With respect to the members representing each of the other counties, the board of supervisors of the county shall appoint one of its members and the city selection committee of the county shall appoint one member from among the mayors and city councilmen of the cities in such county. The city selection committee shall consist of the mayor of each incorporated city within the county, or, if there is no mayor, by the chairman or president of the city council.

(b) The Secretary of the Business and Transportation Agency, the Planning Officer, and one representative each of the Bureau of Public Roads, the Housing and Home Financing Agency, the Bay Area Rapid Transit District, the Association of Bay Area Governments, the Alameda-Contra Costa Transit District, and the Golden Gate Bridge and Highway District.

(c) Seven at-large members appointed by the Governor, all of whom shall be residents of the bay area, and three of whom shall be representatives of bona fide labor organizations.

(d) Two Members of the Senate, appointed by the Senate Committee on Rules, and two Members of the Assembly appointed by the Speaker. The Members of the Legislature shall participate on the study commission to the extent that such participation is not incompatible with their positions as Members of the Legislature. The Members of the Legislature shall constitute a joint interim investigating committee on the subject of this title and as such shall have the powers and duties imposed upon such committees by the Joint Rules of the Senate and Assembly.

(e) The Chairman of the Citizens' Advisory Committee established under Section 66513.

(f) One member of the San Francisco Bay Conservation and Development Commission appointed by such commission.

(g) One member of the San Francisco Public Utilities Commission appointed by such commission.

(h) One member representing the Port of Oakland appointed by that body.

SEC. 145. Section 63.6 of the Harbors and Navigation Code is amended to read:

63.6. On or before the 15th day of January of each odd-numbered year in which a regular session of the Legislature is held, the director shall make a report to the Legislature and to the Governor covering the operations of the department for the preceding biennium. The department shall also make such special reports as are requested by the Secretary of the Resources Agency or the Governor.

SEC. 147. Section 100 of the Health and Safety Code is amended to read:

100. There is in the Human Relations Agency a State Department of Public Health.

SEC. 148. Section 13100 of the Health and Safety Code is amended to read:

13100. There is in the state government, in the Agriculture and Services Agency, the office of the State Fire Marshal.

SEC. 149. Section 13110 of the Health and Safety Code is amended to read:

13110. The State Fire Marshal shall, through the Secretary of the Agriculture and Services Agency, submit monthly and annual reports to the Governor.

SEC. 150. Section 25730 of the Health and Safety Code is amended to read:

25730. There is in the Resources Agency the position of Coordinator of Atomic Energy Development who shall be appointed by, and serve at the pleasure of, the Governor. The coordinator may appoint such technical and secretarial employees as are necessary to perform his duties and may fix their salaries, subject to the approval of the Director of Finance.

The coordinator and his staff shall be known as the Office of Nuclear Energy. The office is a unit of the Resources Agency.

The compensation of the coordinator shall be fixed by the Director of Finance. He shall be a full-time officer and shall, through the Secretary of the Resources Agency, serve as adviser to the Governor with respect to the development of atomic energy in the state.

SEC. 151. Section 25730.2 is added to the Health and Safety Code, to read:

25730.2. (a) The Office of Nuclear Energy in the Resources Agency succeeds to and is vested with all the powers, duties, purposes, responsibilities and jurisdiction of the Office of Atomic Energy Development and Radiation Protection.

The Coordinator of Atomic Energy Development in the Resources Agency succeeds to and is vested with all the powers, duties, purposes, responsibilities, and jurisdiction of the Coordinator of Atomic Energy Development and Radiation Protection.

(b) Any reference in any law to the Office of Atomic Energy Development and Radiation Protection or to the Coordinator of Atomic Energy Development and Radiation Protection shall be considered a reference to the Office of Nuclear Energy or to the Coordinator of Atomic Energy Development, as the case may be, unless the context otherwise requires.

SEC. 152. Section 25730.4 is added to the Health and Safety Code, to read:

25730.4. The Office of Nuclear Energy and the Coordinator of Atomic Energy Development in the Resources Agency may use the unexpended balances of funds available for use by the Office of Atomic Energy Development and Radiation Protection and the Coordinator of Atomic Energy Development and Radiation Protection in connection with the performance of the functions of the Office of Atomic Energy Development and Radiation Protection and of the Coordinator of Atomic Energy Development and Radiation Protection that are vested in the Office of Nuclear Energy and the Coordinator of Atomic Energy Development by Section 25730.2. Such funds shall be used by the Office of Nuclear Energy and the Coordinator of Atomic Energy Development only for the purposes for which they were originally appropriated or otherwise made available to the Office of Atomic Energy Development and Radiation Protection and of the Coordinator of Atomic Energy Development and Radiation Protection.

SEC. 153. Section 25730.6 is added to the Health and Safety Code, to read:

25730.6. All officers and employees who, on the operative date of this section, are serving in the state civil service, other than as temporary employees, or engaged in the performance of a function transferred to or vested in the Office of Nuclear Energy by Section 25730.2 shall be transferred to the Office of Nuclear Energy. The status, positions, and rights of such persons shall not be affected by the transfer, and shall be retained by them as officers and employees of the Office of Nuclear Energy pursuant to the State Civil Service Act, except as to positions exempt from civil service.

SEC. 154. Section 25730.8 is added to the Health and Safety Code, to read:

25730.8. The Office of Nuclear Energy and the Coordinator of Atomic Energy Development in the Resources Agency shall, in the performance of the functions vested in them by Section 25730.2, have the possession and control of all records, papers, offices, moneys, funds, appropriations, land and other property, real or personal, held for the benefit or use of the Office of Atomic Energy Development and Radiation Protection and of the Coordinator of Atomic Energy Development and Radiation Protection in the performance of such functions.

SEC. 155. Section 25731 of the Health and Safety Code is amended to read:

25731. The coordinator shall perform the liaison function between the state and the federal government, including the United States Atomic Energy Commission, and between this state and other states in matters pertaining to atomic energy development.

SEC. 156. Section 25732 of the Health and Safety Code is amended to read:

25732. The coordinator shall coordinate the programs, and rules and regulations of the several departments and agencies of the state and the cities and counties relating to atomic energy development, and shall so far as may be practicable coordinate the studies conducted and the recommendations and proposals made in this state on these subjects with like activities in other states and by the federal government and with the policies and regulations of the United States Atomic Energy Commission.

The departments and agencies of the state which are concerned with atomic energy and radiation, their various applications and uses, and the cities and counties, shall keep the coordinator currently informed as to their activities and programs relating to atomic energy and radiation.

SEC. 157. Section 25733 of the Health and Safety Code is amended to read:

25733. No state department or other state agency shall adopt, amend or repeal any rule or regulation, except emergency rules or regulations, relating to atomic energy development unless and until the proposed rule or regulation, or amendment thereto, or repeal thereof, has been first submitted

to the coordinator for such comments, recommendations, or suggestions he may deem necessary or desirable with respect thereto.

SEC. 158. Section 25734 of the Health and Safety Code is amended to read:

25734. No rule or regulation applying to atomic energy development or amendment thereto or repeal thereof which any state agency may propose to adopt, unless it be an emergency regulation, shall be noticed under the provisions of Section 11423 of the Government Code prior to 30 days after it has been submitted to the coordinator, unless the coordinator in writing waives all or a portion of the 30-day period.

SEC. 159. Section 25735 of the Health and Safety Code is amended to read:

25735. The coordinator may when he deems necessary or appropriate recommend to any state department or other state agency the adoption, amendment, or repeal of rules and regulations relating to atomic energy development.

SEC. 160. Section 25736 of the Health and Safety Code is amended to read:

25736. The coordinator, through the Secretary of the Resources Agency, shall keep the Governor and the various interested state departments and agencies and the cities and counties informed of private and public activities affecting the peacetime uses of atomic energy and, through the Secretary of the Resources Agency, shall enlist their cooperation in protecting the health, safety and general welfare of the people of the state.

SEC. 161. Section 25738 of the Health and Safety Code is amended to read:

25738. The coordinator shall, through the Secretary of the Resources Agency, submit a report to the Governor and the Legislature not later than 10 calendar days following the commencement of each regular session of the Legislature recommending such action or legislation as he deems necessary or desirable.

SEC. 162 Section 25739 of the Health and Safety Code is amended to read:

25739. The coordinator may consult with and seek the advice of technically qualified persons within and without the state to advise on matters relating to atomic energy, particularly with regard to rules and regulations relating to atomic energy development and usage.

SEC. 163. Section 25750 of the Health and Safety Code is amended to read:

25750. There is in the state government the Departmental Coordinating Committee on Atomic Energy Development which shall consist of the Coordinator of Atomic Energy Development as chairman and the heads of the following state departments and agencies, or the individuals designated by the heads of such departments or agencies to represent them: the Department of Public Health, the Department of Industrial Relations, the Department of Water Resources, the Department

of Conservation the Department of Parks and Recreation, the Department of Fish and Game, the State Water Pollution Control Board, the California Disaster Office, the Attorney General, the Department of Agriculture, the Department of Public Works, the Department of the California Highway Patrol, the Department of Education, the Department of General Services, the University of California, the Public Utilities Commission, the office of the State Fire Marshal, and such other state departments or agencies as the Governor may select.

SEC. 164. Section 25760 of the Health and Safety Code is amended to read:

25760. There is in the state government an Advisory Council on Atomic Energy Development consisting of the Coordinator of Atomic Energy Development and 11 members appointed by the Governor. One member shall be appointed from each of the following fields: industry, labor, medicine, dentistry, hospital, education, science and technology, agriculture, insurance, city government, and county government.

SEC. 165. Section 25771 of the Health and Safety Code is amended to read:

25771. The Department of Public Health shall keep current information on the permits or licenses issued by the United States Atomic Energy Commission in the state and shall transmit such information to the Coordinator of Atomic Energy Development and upon request to any state department or agency or member of the public.

SEC. 166. Section 25805 of the Health and Safety Code is amended to read:

25805. As used in this chapter:

(a) "Coordinator" means the Coordinator of Atomic Energy Development.

(b) "Ionizing radiation" means gamma rays and X-rays; alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles; but not sound or radio waves, or visible, infrared, or ultraviolet light.

(c) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the United States Atomic Energy Commission, or any successor thereto, and other than federal government agencies licensed by the United States Atomic Energy Commission or any successor thereto.

(d) "Byproduct material" means any radioactive material, except special nuclear material, yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(e) "Source material" means (1) uranium, thorium, or any other material which the department declares by rule to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the ma-

terial to be such; or (2) ores containing one or more of the foregoing materials in such concentration as the department declares by rule to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material in such concentration to be source material.

(i) "Special nuclear material" means (1) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the department declares by rule to be special nuclear material after the United States Atomic Energy Commission or any successor thereto, has determined the material to be such, but does not include source material; or (2) any material artificially enriched by any of the foregoing, but does not include source material.

(g) "General license" means a license pursuant to regulations promulgated by the department, effective without the filing of an application, to transfer, acquire, own, possess or use quantities of, or devices or equipment utilizing, byproduct, source or special nuclear materials or other radioactive material occurring naturally or produced artificially.

(h) "Specific license" means a license, issued after application to use, manufacture, produce, transfer, receive, acquire, own or possess quantities of, or devices or equipment utilizing, byproduct, source, or special nuclear materials or other radioactive material occurring naturally or produced artificially.

(i) "Registration" means the reporting of possession of a source of radiation and the furnishing of information with respect thereto, in accordance with subdivision (b) of Section 25815 of this code.

SEC. 167. Section 25812 of the Health and Safety Code, is amended to read:

25812. The department shall not grant any license to receive radioactive material from other persons for disposal on land unless all of the following requirements are satisfied:

(a) The land on which the radioactive wastes are to be buried is owned by the federal or state government.

(b) The department determines that the site is consistent with the public health and safety.

(c) The department receives a finding from the Coordinator of Atomic Energy Development that the establishment and operation of the site will be of economic benefit to atomic energy development in this state. The coordinator in arriving at such a finding, shall consult with the Advisory Council on Atomic Energy Development. If the Office of Nuclear Energy is not in operation, the finding that the establishment and operation of the site will be of economic benefit to atomic energy development in this state shall be made by the State Board of Public Health.

SEC. 167.1. Section 35102 of the Health and Safety Code is amended to read:

35102. "Commissioner" means the Commissioner of Corporations of the Department of Corporations.

SEC. 168. Section 37050 of the Health and Safety Code is amended to read:

37050. There is in the state government, in the Business and Transportation Agency, a Department of Housing and Community Development.

SEC. 169. Section 37100 of the Health and Safety Code is amended to read:

37100. The department shall:

(1) Submit to the Governor, through the Secretary of the Business and Transportation Agency, for his approval its recommendations for changes in state and federal law necessary to meet the needs of housing and community development in California.

(2) Submit to the Governor, through the Secretary of the Business and Transportation Agency, and to both houses of the State Legislature within 90 days after the end of each calendar year an annual report of the operations and accomplishments of the department

SEC. 170. Section 38050 of the Health and Safety Code is amended to read:

38050. In order to insure the continuity of services, develop a creative interdepartmental and community approach and coordinate all efforts of federal, state, local, and voluntary agencies, there is in the Human Relations Agency the Mental Retardation Program Advisory Board, hereinafter referred to as the board.

The board shall consist of 15 members, namely:

(a) The Superintendent of Public Instruction.

(b) The Director of Employment.

(c) The Director of Mental Hygiene.

(d) The Director of Public Health.

(e) The Director of Rehabilitation.

(f) The Director of Social Welfare.

(g) The Director of the Youth Authority.

(h) Two county supervisors appointed by the Governor.

(i) Two persons appointed by the Governor, representing nongovernmental agencies providing services for the mentally retarded.

(j) Two persons appointed by the Governor, representing the general public.

(k) One person appointed by the Speaker of the Assembly, representing consumers of services for the mentally retarded.

(*l*) One person appointed by the Senate Committee on Rules, representing consumers of services for the mentally retarded.

SEC. 171. Section 38100 of the Health and Safety Code is amended to read:

38100. The board shall advise the Director of Mental Hygiene on the initiation, coordination, and implementation of programs and projects for the mentally retarded, including, but not limited to, the following:

(a) Present and proposed programs of service for the mentally retarded of state, local governmental, and voluntary agencies.

(b) The development of a coordinated plan of state and local services for the mentally retarded, and the development and formulation of a master plan for establishing responsibilities for the total array of mental retardation services.

(c) Standards for services in various facilities that are now being operated or which will hereafter be created.

(d) Standards and rates of state payment for any services purchased with state funds for mentally retarded persons through the regional diagnostic, counseling service centers as may be defined in Article 7.5 (commencing with Section 415) of Chapter 2, Part 1, Division 1 of this code.

(e) The development of uniform recordkeeping in all services for the mentally retarded.

(f) The coordination of services and research activities in the field of mental retardation, including the evaluation of services and programs, studies of the prevalence of mental retardation, and the development of experimental programs.

(g) The stimulation of planning for professional training in the state universities and colleges

SEC. 172. Section 38102 of the Health and Safety Code is amended to read:

38102. The board shall prepare and render annually a written report of its activities and its recommendations to the Governor through the Secretary of the Human Relations Agency.

SEC. 173. Section 38200 of the Health and Safety Code is amended to read:

38200. The Director of Mental Hygiene shall adopt rules and regulations prescribing standards of service which shall be satisfied and maintained as a condition to the payment of state funds for residential care of the mentally retarded by a regional diagnostic, counseling service center.

The Director of Mental Hygiene shall adopt standards for all nonresidential professional services which may be purchased for mentally retarded persons with state funds by a regional, diagnostic, counseling service center for the mentally retarded.

The Director of Mental Hygiene shall provide regional centers with current lists of approved facilities and services. Regional centers may not expend state funds for services which are not approved by the director, notwithstanding any other certification, licensing, or approval of the facility or service.

The director shall not adopt standards which are in conflict with those adopted by the State Board of Education with regard to special classes for the mentally retarded in the public schools

SEC. 174. Section 38201 of the Health and Safety Code is amended to read:

38201. If there is evidence that a vendor of services does not meet the standards prescribed by the Director of Mental

Hygiene, the regional centers may immediately withdraw payment of state funds to such vendor.

SEC. 175. Section 38202 of the Health and Safety Code is amended to read:

38202. The Director of Mental Hygiene shall establish rates of state payment for services purchased by regional centers for mentally retarded persons

Rates of state payment shall be based on the value of units of service rendered.

SEC. 176. Section 38300 of the Health and Safety Code is amended to read.

38300. To carry out his responsibilities for mental retardation under this division and other pertinent statutes, the Director of Mental Hygiene shall designate a Coordinator of Mental Retardation Programs and such staff as is required

SEC. 177. Article 6 (commencing with Section 38310) is added to Chapter 1 of [illegible] 25 of the Health and Safety Code, to read:

Article 6 Transfer of Functions

38310. The Director of Mental Hygiene succeeds to and is vested with [illegible] powers, purposes, responsibilities and jurisdiction vested in the Administrator of the Health and Welfare Agency by this chapter

38311. All officers and employees of the Administrator of the Health and Welfare Agency who on the effective date of this section, are serving in the state civil service other than as temporary employees, and engaged in the performance of a function vested in the Director of Mental Hygiene by Section 38310, shall be transferred and be subject to the jurisdiction of the director The status, positions, and rights of such persons shall not be affected by the transfer, and shall be retained by them as officers and employees of the director except as to positions exempt from civil service under the jurisdiction of the Administrator of the Health and Welfare Agency.

38312 The Director of Mental Hygiene may use the unexpended balances of funds available for use by the Administrator of the Health and Welfare Agency that are vested in the director by Section 38310. Such funds shall be used by the director only for the purposes for which they were originally appropriated or otherwise made available to the Administrator of the Health and Welfare Agency

38313 The Director of Mental Hygiene shall have the possession and control of all records, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, held for the benefit or use of the Administrator of the Health and Welfare Agency in the performance of the duties, powers, purposes, responsibilities, and jurisdiction of the administrator that are vested in the director by Section 38310.

SEC. 178. Section 39020 of the Health and Safety Code is amended to read:

39020. There is in state government, in the Resources Agency, the State Air Resources Board. The board shall consist of 14 members, nine of whom shall be appointed by the Governor with the consent of the Senate. The Governor shall consider demonstrated interest and proven ability in the field of air pollution as well as the needs of the general public, industry, agriculture, and other related interests, in making appointments to the board. The Director of Public Health, Director of Motor Vehicles, Director of Agriculture, Commissioner of the California Highway Patrol, and Director of Conservation shall serve as members of the board. The Governor shall appoint the chairman from one of the nine appointees who shall serve as chairman at the pleasure of the Governor.

SEC. 179. Section 21 of the Insurance Code is amended to read:

21. "Division," and "department," in reference to the government of this state, mean the Department of Insurance of this state in the Business and Transportation Agency.

SEC 180. Section 12906 of the Insurance Code is amended to read

12906. The governmental agency unit heretofore known as the Division of Insurance of the Department of Investment is hereby designated the Department of Insurance. The Department of Insurance is in the Business and Transportation Agency and is under the control of the Insurance Commissioner The change in name and removal from the Department of Investment of the governmental agency unit heretofore known as the Division of Insurance, effected by this section, shall not affect in any manner the deputies or employees of such governmental agency unit and their employments and positions are hereby expressly continued in existence. The Insurance Commissioner is not a head of a department within the meaning of Sections 1061 and 11151 of the Government Code.

SEC 181. Section 12922 of the Insurance Code is amended to read:

12922 The commissioner shall, on or before the first day of August in each year, make a report to the Governor, through the Secretary of Business and Transportation Agency, containing a tabular statement and synopsis of the reports which have been filed in his office and showing, generally, the condition of the insurance business and interests in this state, and other matters concerning insurance. Such report shall also contain a detailed verified statement, of the moneys and fees of office received by him, and for what purpose.

SEC 182. Section 12975 of the Insurance Code is amended to read:

12975. Whenever, by the provisions of this code a duty, right, privilege or power is imposed or conferred upon the commissioner, but it is provided that the expense of perform-

ance of such duty or exercise of such right, privilege or power is to be paid in advance or otherwise out of sources other than the Insurance Fund, the commissioner may defray such expense or any portion thereof out of the appropriation for the support of the Department of Insurance without regard to prospect of repayment. The repayment of such moneys, not to exceed seven hundred fifty dollars ($750) shall be a debt of and a lien against the assets of every person otherwise chargeable with such payment and shall constitute a preferred claim in all proceedings in bankruptcy or insolvency to the same extent as claims for compensation due employees for wages and salaries and claims for expenses of conservatorship or liquidation in proceedings under Article 14 (commencing with Section 1010), Chapter 1, Part 2, Division 1 of this code.

SEC. 183. Section 50 of the Labor Code is amended to read:

50. There is in the state government, in the Human Relations Agency, the Department of Industrial Relations.

SEC. 184. Section 63 of the Military and Veterans Code is amended to read:

63. There is in the state government, in the Agriculture and Services Agency, a Department of Veterans Affairs.

SEC. 185. Section 5000 of the Penal Code is amended to read:

5000. There is in the Human Relations Agency the Department of Corrections.

SEC. 186. Section 6024 of the Penal Code is amended to read:

6024. There is in the state government a Board of Corrections.

SEC. 187. Section 6025 of the Penal Code is amended to read:

6025. The Board of Corrections is composed of the Secretary of the Human Relations Agency, the Director of Corrections, the Director of the Youth Authority, the Chairman of the Adult Authority, the Vice Chairman of the Youth Authority, the Chairman of the California Women's Board of Terms and Parole, the Chairman of the Narcotic Addict Evaluation Authority, and two qualified persons appointed by the Governor, with the advice and consent of the Senate.

The Secretary of the Human Relations Agency shall be Chairman of the Board of Corrections. The Board of Corrections shall select from its members a vice chairman who shall preside when the chairman is absent or is ineligible to act as a member of the Board of Corrections.

When the Board of Corrections is hearing charges against any member, the individual concerned shall not sit as a member of the board for the period of hearing of charges and the determination of recommendations to the Governor.

SEC. 188 Section 6028.2 of the Penal Code is amended to read:

6028.2. The Secretary of the Human Relations Agency may furnish for the use of any such commission such facilities, supplies, and personnel as may be available therefor.

SEC 189. Section 607 of the Public Resources Code is amended to read:

607. The work of the department shall be divided into at least five divisions, known as the Division of Forestry, the Division of Mines and Geology, the Division of Oil and Gas, the Division of Soil Conservation, and the Division of State Lands.

SEC. 190. Section 6101 of the Public Resources Code is amended to read:

6101. There is a State Lands Commission in the Department of Conservation, consisting of the Controller, the Lieutenant Governor, and the Director of Finance.

SEC. 191. Section 6102 of the Public Resources Code is amended to read:

6102. The commission is the successor to, and is vested with all the powers, duties, purposes, responsibilities and jurisdiction formerly vested in the Department of Finance as successor to the Surveyor General, Register of the State Land Office, and State Land Office, and of the Division of State Lands in the Department of Conservation (formerly in the Department of Finance). Whenever, by any statute or law now in force or that may be hereafter enacted, a duty or jurisdiction is imposed or authority conferred upon the Surveyor General, Register of the State Land Office, or State Land Office, or upon the Department of Finance as successor thereto, or upon the Chief of the Division of State Lands, or the Division of State Lands, such duty, jurisdiction, and authority are hereby transferred to, imposed and conferred upon the commission and the appropriate officers and employees thereof with the same force and effect as though the title of the State Lands Commission had been specifically set forth and named therein in lieu of the Surveyor General, Register of the State Land Office, State Land Office, Department of Finance, Chief of the Division of State Lands, or Division of State Lands, as the case may be.

SEC. 192. Section 6103 of the Public Resources Code is amended to read:

6103. The commission shall administer all laws and statutes committed to it through the Division of State Lands of the Department of Conservation, which division is continued in existence. The commission is vested with all the powers conferred upon heads of departments of the state contained in Article 2 (commencing with Section 11150) of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code.

The commission may appoint and, with the approval of the Director of Finance, may fix the salaries of the officers and employees in the division.

SEC. 193. Section 6103.2 is added to the Public Resources Code, to read:

6103.2. (a) The State Lands Commission and the Division of State Lands are hereby transferred from the Department of Finance to the Department of Conservation, and, as agencies in the Department of Conservation, are vested with all the duties, powers, purposes, responsibilities, and jurisdiction vested in them as agencies of the Department of Finance.

(b) Any reference in any law to the State Lands Commission or to the Division of State Lands in the Department of Finance shall be considered a reference to the State Lands Commission or to the Division of State Lands, as the case may be, in the Department of Conservation unless the context otherwise requires.

SEC. 194. Section 6103.4 is added to the Public Resources Code, to read:

6103.4. The State Lands Commission and the Division of State Lands may, as agencies of the Department of Conservation, use the unexpended balances of funds available for use by them as agencies of the Department of Finance in connection with the performance of the functions vested in them by Section 6103.2 as agencies of the Department of Conservation. Such funds shall be used by them only for the purposes for which they were originally appropriated or otherwise made available to them as agencies of the Department of Finance.

SEC. 195. Section 6103.6 is added to the Public Resources Code, to read:

6103.6. All officers and employees of the State Lands Commission and the Division of State Lands who, on the operative date of this section, are serving in the state civil service, other than as temporary employees, and engaged in the performance of a function of the commission or division as an agency of the Department of Finance which is vested in the commission or division by Section 6103.2 as an agency of the Department of Conservation, shall be transferred to the State Lands Commission and the Division of State Lands in the Department of Conservation. The status, positions, and rights of such persons shall not be affected by the transfer, and shall be retained by them as officers and employees of the State Lands Commission and the Division of State Lands in the Department of Conservation pursuant to the State Civil Service Act, except as to positions exempt from civil service in the State Lands Commission and the Division of State Lands in the Department of Finance.

SEC. 196. Section 6103.8 is added to the Public Resources Code, to read:

6103.8. The State Lands Commission and the Division of State Lands, as agencies of the Department of Conservation, shall have the possession and control of all records, papers, offices, moneys, funds, appropriations, lands and other property, real or personal, held for the benefit or use of the State Lands Commission and the Division of State Lands as agencies of the Department of Finance in connection with the performance of the duties, powers, purposes, responsibilities, and

jurisdiction of the State Lands Commission and the Division of State Lands as agencies of the Department of Finance that are transferred to or vested in them by Section 6103.2 as agencies of the Department of Conservation.

SEC. 196.1. Section 21004 of the Public Utilities Code is amended to read:

21004. The acquisition of any land or interest therein pursuant to this part, the planning, acquisition, establishment, construction, improvement, maintenance, equipment, and operation of airports and air navigation facilities, whether by the state separately or jointly with any political subdivision, and the exercise of any other powers granted to the department by this part are public and governmental functions, exercised for a public purpose, and are matters of public necessity. All land and other property and privileges acquired and used by or on behalf of the state pursuant to this part are acquired and used for public and governmental purposes as a matter of public necessity.

SEC. 197. Section 21006 of the Public Utilities Code is amended to read:

21006. This chapter or any other law shall not be construed as prohibiting, restricting, or permitting the prohibition of the operation or landing in populated areas of helicopters and similar aircraft capable of approximately vertical ascent and descent, subject to such reasonable rules affecting the public safety as the department may promulgate.

SEC. 198. Section 21006.5 is added to the Public Utilities Code, to read:

21006.5. "Department" means the Department of Aeronautics.

SEC. 199. Section 21007 of the Public Utilities Code is amended to read:

21007. Whenever the term "division" or "Division of Aeronautics" is used in this part, it means the Department of Aeronautics.

Whenever the term "Division of Aeronautics" is used in any other law it means the Department of Aeronautics.

Whenever the term "California Aeronautics Commission" is used in any other law it means the Department of Aeronautics.

SEC. 200. The heading of Chapter 2 (commencing with Section 21201) of Part 1 of Division 9 of the Public Utilities Code is amended to read:

CHAPTER 2. DEPARTMENT OF AERONAUTICS AND STATE AERONAUTICS BOARD

SEC. 201. The heading of Article 1 (commencing with Section 21201) of Chapter 2 of Part 1 of Division 9 of the Public Utilities Code is amended to read:

Article 1. Department of Aeronautics

SEC. 202. Section 21201 of the Public Utilities Code is amended to read:

21201. There is in the Business and Transportation Agency a Department of Aeronautics.

SEC. 203. Section 21202 of the Public Utilities Code is amended to read:

21202. The department shall be headed by a chief, designated as the State Director of Aeronautics. The director is appointed by the Governor, subject to confirmation by the Senate, and holds office at the pleasure of the Governor. The annual salary of the director shall be set according to law.

SEC. 204. Section 21204 of the Public Utilities Code is amended to read:

21204. The department shall adopt a seal, and make rules and regulations for its administration not inconsistent with this part.

SEC. 205. Section 21205 of the Public Utilities Code is amended to read:

21205. The board shall, at least 30 days before each regular session of the Legislature, make a report to the Governor and to the Legislature covering the work and investigations of the department and the board during the previous fiscal year, making such recommendations as are considered desirable for changes in the laws affecting the department and the board. The report shall also contain a summary of the proceedings of the department and the board during the preceding fiscal year, any other information the department or board deems necessary, and any additional information requested by the Governor, by the Secretary of the Business and Transportation Agency, or by the Legislature.

SEC. 206. Section 21206 of the Public Utilities Code is amended to read:

21206. The board shall prepare a statement of all estimated Airport Assistance Revolving Fund revenues and revenues available for local subventions from any other sources for the next succeeding fiscal year, together with a statement of proposed expenditures to be made to local agencies and the University of California during the next succeeding fiscal year, or obligations to be incurred in connection therewith.

The said statement shall be included in the printed fiscal year budget submitted to the Legislature. Insofar as the matters to which it pertains it shall constitute as submitted the budget submitted to the Department of Finance pursuant to Section 13320 of the Government Code, and, as to such matters, shall be administered by the Department of Finance as the fiscal year budget of the Department of Aeronautics under the provisions of this section and of Article 2 (commencing with Section 13320) of Chapter 3 of Part 3 of Division 3 of Title 2 of the Government Code.

Any changes or modifications in the budget described in this section shall be by vote of the board, approved by the Director of Finance.

In the event, during an annual period, the budgetary amount approved and allocated by the board for any purpose exceeds the amount actually necessary therefor, with a resultant available surplus, such surplus may be allocated by the board to any other purpose or supplemental project upon the written approval of the Director of Finance.

In administering said budget, the Director of Finance shall not limit expenditures or incurrence of obligations thereunder to quarterly, semiannual or other periods of the fiscal year.

SEC. 207. Section 21207 of the Public Utilities Code is amended to read:

21207. Wherever the department or board is authorized to make rules, regulations, orders, procedures, or establish minimum standards under this part, such authority shall be exercised in accordance with the Administrative Procedure Act except as modified by this part.

SEC. 208. Section 21215 of the Public Utilities Code is amended to read:

21215. There is in the state government the State Aeronautics Board, consisting of seven members appointed by the Governor by and with the consent of the Senate.

SEC. 209. Section 21224 of the Public Utilities Code is amended to read:

21224. The board shall advise the department and the director in the performance of their duties and shall formulate general policies relating to this part.

SEC. 210. Section 21240 of the Public Utilities Code is amended to read:

21240. This state recognizes the authority of the federal government to regulate the operation of aircraft and to control the use of the airways, and nothing in this act shall be construed to give the department the power to so regulate and control safety factors in the operation of aircraft or to control use of the airways. This section does not affect the state's power to regulate the intrastate rates of common carriers by air, and such power is hereby reserved to the state.

SEC. 211. Section 21241 of the Public Utilities Code is amended to read:

21241. The department shall encourage, foster, and assist in the development of aeronautics in this state and encourage the establishment of airports and air navigation facilities. It shall cooperate with and assist the federal government, political subdivisions of this state, and others in the development of aeronautics, and shall seek to coordinate their aeronautical activities.

Political subdivisions may cooperate with the department in the development of aeronautics and aeronautics facilities in this state.

SEC. 212. Section 21242 of the Public Utilities Code is amended to read:

21242. The department may:

(a) Draft and recommend necessary legislation to advance the interest of the state in aeronautics.

(b) Represent the state in aeronautical matters before federal and other agencies.

(c) Participate as plaintiff or defendant or as intervenor on behalf of the state or any political subdivision or citizen in any controversy which involves the interest of the state in aeronautics.

(d) Assist political subdivisions and their law enforcement agencies in becoming acquainted with and enforcing the civil air regulations.

SEC. 213. Section 21243 of the Public Utilities Code is amended to read:

21243. The department may make and amend general or special rules, regulations, and procedures and establish minimum standards, consistent with and clearly within the scope of federal legislation governing aeronautics and the rules, regulations, and standards issued thereunder. The department may, by regulation, classify airports into several reasonable classes or groups according to their facilities and the types and number of aircraft which they are capable of handling and may make and amend rules, regulations, and procedures and establish minimum standards for each separate class or group.

SEC. 214. Section 21243.5 of the Public Utilities Code is amended to read:

21243.5. The department 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 department 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 department 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. 215. Section 21244 of the Public Utilities Code is amended to read:

21244. For the purpose of protecting and insuring the general public interest and safety and the safety of persons operating, using, or traveling in aircraft and developing aeronautics in this state, and after appropriate public hearings, the department may make and amend temporary general or special rules and procedures and establish temporary minimum standards consistent with this part as it deems necessary to administer this part. The department shall draft these temporary rules, procedures, and standards in the form of proposed aviation law and shall submit them to the next general session of the Legislature. These temporary rules, procedures, and

standards shall not remain in effect beyond 90 days after the final adjournment of that session of the Legislature.

SEC. 216. Section 21245 of the Public Utilities Code is amended to read:

21245. The department shall keep on file with the Secretary of State, and at its principal office, a copy of all its rules for public inspection.

SEC. 217. Section 21246 of the Public Utilities Code is amended to read:

21246. The department shall provide for the publication and general distribution of all its orders, rules, and procedures having general effect.

SEC. 218. Section 21247 of the Public Utilities Code is amended to read:

21247. The department may enter into any contracts necessary to the execution of its powers under this part. All contracts made by the department, either as the agent of the state or as the agent of any political subdivision, shall be made pursuant to the laws of the state governing the making of like contracts. Where the planning, acquisition, construction, improvement, maintenance, or operation of any airport or air navigation facility is financed wholly or partially with federal money the department, as agent of the state or of any political subdivision, may let contracts in the manner prescribed by the federal authorities acting under the laws of the United States and any rules made thereunder.

SEC. 219. Section 21248 of the Public Utilities Code is amended to read:

21248. The department may exercise any of its powers under this part jointly with any political subdivision, state agency, other states or their political subdivisions, or the United States.

SEC. 220. Section 21249 of the Public Utilities Code is amended to read:

21249. The department may confer or hold joint hearings with any federal agency in connection with any matter arising under this part or relating to the sound development of aeronautics.

SEC. 221. Section 21250 of the Public Utilities Code is amended to read:

21250. The department may avail itself of the cooperation, services, records, and facilities of the federal agencies in the administration and enforcement of this part. It shall cooperate with and make available to the federal agencies, its services, records, and facilities, insofar as practicable.

SEC. 222. Section 21251 of the Public Utilities Code is amended to read:

21251. In administering this part the department may use the facilities and services of other state agencies and political subdivisions to the utmost extent possible. These agencies and political subdivisions shall make available to the department their facilities and services.

SEC. 223. Section 21252 of the Public Utilities Code is amended to read:

21252. (a) The department, its members, the director, officers and employees of the department, and every state and peace officer 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. 224. Section 21253 of the Public Utilities Code is amended to read:

21253. In the name of the state, the department may enforce this part and rules and orders issued under this part by injunction or other legal process in the courts of this state.

SEC. 225. Section 21254 of the Public Utilities Code is amended to read:

21254. The department may report to the appropriate federal agencies and agencies of other states all proceedings instituted charging violations of Section 21407, and Sections 21409 to 21412, inclusive, and all penalties of which it has knowledge imposed upon airmen or the owners or operators of aircraft for violations of the law of this state relating to aeronautics or for violations of the rules or orders of the department.

SEC. 226. Section 21255 of the Public Utilities Code is amended to read:

21255 The department may receive reports of penalties and other data from agencies of the federal government and other states, and may enter into agreements with these agencies governing the delivery, receipt, exchange, and use of reports and data. The department may make the reports and data of these agencies and of the courts of this state available to any court of this state and to any officer of the state or of any political subdivision authorized to enforce the aeronautics laws by Section 21252.

SEC. 227. Section 21256 of the Public Utilities Code is amended to read:

21256. The department may accept, receive, receipt for, disburse, and expend federal and other money, public or private, made available to accomplish in whole or in part any of the purposes of this part. All federal money accepted under this part shall be accepted and expended by the department upon the terms and conditions prescribed by the United States. In accepting federal money under this part, the department shall have the same authority to enter into contracts on behalf of the state as is granted to the department under Section 21603 The department shall deposit all money received under this section in the Special Deposit Fund in the State Treasury, to be disbursed or expended in accordance with the terms and conditions upon which it was made available.

SEC. 228. Section 21257 of the Public Utilities Code is amended to read:

21257. The department may own and operate aircraft for use in the furtherance of its duties, employ airmen and mechanics for proper operation and maintenance of the aircraft, and insure its employees against injury or death arising from aircraft accidents incurred in the performance of their assigned duties, within the limits of appropriations for these purposes.

SEC. 229. Section 21258 of the Public Utilities Code is amended to read:

21258. Notwithstanding any other provision of law, if the proposed site of any state building or other enclosure is within two miles, measured by air line, of that point on an airport boundary which is nearest the site, the state agency or office which proposes to construct the building or other enclosure shall, before acquiring title to property for the new state building or other enclosure site or for an addition to a present site, notify the department, in writing, of the proposed acquisition The department shall investigate the proposed site and, within 25 days after receipt of the notice, shall submit to the state agency or office which proposes to construct the building or other enclosure a written report of the investigation and its recommendations concerning acquisition of the site.

If the report of the department does not favor acquisition of the site, no state funds shall be expended for the acquisition of the new state building or other enclosure site, or the expansion of the present site, or for the construction of the state building or other enclosure, provided that the provisions of

this section shall not affect title to real property once it is acquired.

SEC. 230. Section 21408 of the Public Utilities Code is amended to read:

21408. For any violation of Section 21407 or Section 21407.5, in addition to the penalties provided by Section 21019 or Section 21407.6, the court may prohibit the violator from operating an aircraft within the state for a period not exceeding one year. Violation of the prohibition of the court may be treated as a separate offense under this section or as a contempt of court. Upon a plea of guilty or conviction under Section 21407 or Section 21407.5, the department shall cause a record of the plea or conviction and of the sentence imposed to be maintained. This section shall not be construed as warrant for the court or any other agency or person to take away, impound, hold, or mark any federal certificate, permit, rating, or license.

SEC. 231. Section 21410 of the Public Utilities Code is amended to read:

21410. Every airman shall keep any certificate, permit, rating, or license required for him by the United States in his personal possession when he is operating within the state. He shall present it for inspection upon the demand of any peace officer, any other officer of the state or of a political subdivision, or member, official, or employee of the department, authorized by Section 21252 to enforce the aeronautics laws, or any official, manager, or person in charge of any airport upon which the airman lands, or upon the reasonable request of any other person.

SEC. 232. Section 21412 of the Public Utilities Code is amended to read:

21412. Any certificate, permit, or license required by the United States for an aircraft shall be carried in the aircraft at all times while the aircraft is operating in the state, shall be conspicuously posted in the aircraft where it may be readily seen by passengers or inspectors, and shall be presented for inspection upon the demand of any peace officer, any other officer of the state or of a political subdivision, or member, official, or employee of the department, authorized by Section 21252 to enforce the aeronautics laws, or any official, manager, or person in charge of any airport upon which the aircraft lands, or upon the reasonable request of any person.

SEC 233. Section 21413 of the Public Utilities Code is amended to read:

21413 The department shall report to the appropriate federal agency all accidents in aeronautics in this state of which it is informed, and shall, insofar as is practicable, preserve, protect, and prevent the removal of the component parts of any aircraft involved in an accident being investigated by it until the federal agency institutes an investigation.

SEC. 234. Section 21601 of the Public Utilities Code is amended to read:

21601. The department may make available its engineering and other technical services, with or without charge, to any political subdivision or person desiring them in connection with the planning, acquisition, construction, improvement, maintenance, or operation of airports or air navigation facilities, subject to rules promulgated by the department.

SEC. 235. Section 21602 of the Public Utilities Code is amended to read:

21602. Subject to the terms and within the limits of special appropriations made by the Legislature, the department may render financial assistance by grant or loan, or both, to any political subdivision or political subdivisions jointly, in the planning, acquisition, construction, improvement, maintenance, or operation of an airport owned or controlled, or to be owned or controlled, by the political subdivision or subdivisions, if the financial assistance has been shown by public hearing to be essential to the proper development or maintenance of a statewide system of airports. Financial assistance may be furnished in connection with federal or other financial aid for the same purpose.

SEC. 236. Section 21603 of the Public Utilities Code is amended to read:

21603. Upon the request of any political subdivision or political subdivisions acting jointly, the department may act as agent in accepting, receiving, receipting for, and disbursing federal money, and other money public or private, made available to finance, in whole or in part, the planning, acquisition, construction, improvement, maintenance, or operation of a public airport or air navigation facility. The department may act as agent in contracting for and supervising the planning, acquisition, construction, improvement, maintenance, or operation. Any political subdivision may designate the department as its agent for these purposes

The department as principal on behalf of the state, and any political subdivision on its own behalf, may enter into any contracts with each other, the United States, or any person, which may be required in connection with a grant or loan of federal money for public airport or air navigation facility purposes.

All federal money accepted under this section shall be accepted and transferred or expended by the department upon such terms and conditions as are prescribed by the United States. All money received by the department pursuant to this section shall be deposited in the Special Deposit Fund in the State Treasury, to be disbursed or expended in accordance with the terms and conditions upon which it was made available.

SEC 237. Section 21605 of the Public Utilities Code is amended to read:

21605. The department may, as principal on behalf of the state, lease for a period of three years a navigational system of the hyperbolic area-coverage type, including all technicians, evaluation charting, and installation of the manned chain, as a

pilot project to enable short takeoff and landing aircraft and vertical lift aircraft to navigate with safety on a commuter basis in urban areas of California down to ground level under conditions of extremely low visibility, and in addition, to enable vessels to navigate safely to and from California harbors under like conditions of visibility.

SEC. 238. Section 21631 of the Public Utilities Code is amended to read:

21631. From appropriations or other money made available for the purpose, the department, on behalf of and in the name of the state, may plan, establish, construct, enlarge, improve, maintain, equip, operate, regulate, and protect airports and air navigation facilities, either within or without the state, including the construction, installation, equipment, maintenance, and operation at the airports of buildings and other facilities for the servicing of aircraft or for the comfort and accommodation of air travelers.

SEC. 239. Section 21632 of the Public Utilities Code is amended to read:

21632. The department may also acquire existing airports and air navigation facilities, but it shall not acquire any airport or air navigation facility owned or controlled by a political subdivision of this or any other state without the consent of the political subdivision.

SEC 240. Section 21633 of the Public Utilities Code is amended to read:

21633. For the purposes of this article, the department, by purchase, gift, devise, lease, condemnation, or otherwise, may acquire real or personal property, or any interest therein including easements in airport hazards or land outside the boundaries of an airport or airport site, necessary to permit safe and efficient operation of the airports or to permit the removal, elimination, obstruction-marking, or obstruction-lighting of airport hazards, or to prevent the establishment of airport hazards.

SEC 241. Section 21634 of the Public Utilities Code is amended to read:

21634. The department may contract or otherwise provide, by condemnation if necessary, for the removal or relocation of any airport hazard or the removal or the relocation of all private structures, railways, highways, mains, pipes, conduits, wires, cables, poles, and all other facilities and equipment which may interfere with the location, expansion, development, or improvement of the airports and other air navigation facilities or with the safe approach thereto or takeoff therefrom by aircraft, and may pay the cost of the removal or relocation. When exercising its power of removal or relocation, the department shall pay the cost of removal and relocation of any private structures, railways, mains, pipes, conduits, wires, cables, poles, or any other structure or equipment required to be moved to a new location.

SEC. 242. Section 21635 of the Public Utilities Code is amended to read:

21635. In the condemnation of property, the department shall proceed in the name of the state in the manner provided by the Code of Civil Procedure. For the purpose of making surveys and examinations relative to any condemnation proceedings, it is lawful to enter upon any land. The power of the department, by condemnation, to acquire or require the relocation of any railway, highway, main, pipe, conduit, wires, cables, poles, and all other facilities and equipment or other property held for or devoted to a public use shall be exercised only after the court in which the condemnation proceedings are pending finds that the taking or relocation for the public use of the department is of greater public necessity than the public use for which the property is presently held or used. The court may fix the terms and conditions for the enjoyment of a right of common use, in lieu of taking or relocation, as it determines will best suit the public interest and necessity.

SEC. 243. Section 21636 of the Public Utilities Code is amended to read:

21636. The department may dispose of any property, airport, air navigation facility, or portion or interest, acquired pursuant to this article, by sale, lease, or otherwise. The disposal shall be in accordance with the laws of this state governing the disposition of other state property, except that in the case of disposals to any political subdivision or government or the United States for aeronautical purposes, the disposal may be effected in the manner and upon the terms the department deems in the best interests of the state.

SEC. 244. Section 21637 of the Public Utilities Code is amended to read:

21637. In operating an airport or air navigation facility owned or controlled by the state, the department may enter into contracts, leases, and other arrangements for a term not exceeding 20 years with any person, granting the privilege of using or improving the airport or air navigation facility or space therein for commercial purposes, conferring the privilege of supplying goods, commodities, things, services, or facilities at the airport or air navigation facility, or making available services to be furnished by the department or its agents at the airport or air navigation facility. In each case the department may establish the terms and conditions and fix the charges, rentals, or fees for the privileges or services, which shall be reasonable and uniform for the same class of privilege or service and shall be established with regard to the property and improvement used and the expenses of operation to the state. In no case shall the public be deprived of its rightful, equal, and uniform use of the airport, air navigation facility, or portion of either. The department shall grant no exclusive privilege for the sale or delivery of gasoline or other petroleum products.

SEC. 245. Section 21638 of the Public Utilities Code is amended to read:

21638. The department shall call for bids for the operation of any state-owned airport and shall lease the airport for a term not to exceed five years to the highest qualified bidder or bidders. No person shall be granted any authority to operate the airport other than as a public airport or to enter into any contracts, leases, or other arrangements in connection with the operation of the airport which the department might not have undertaken under Section 21637. The state may operate an airport only if no acceptable bid is received.

SEC. 246. Section 21639 of the Public Utilities Code is amended to read:

21639. The department shall grant no exclusive right for the use of any airport or air navigation facility under its jurisdiction. This section shall not be construed to prevent the making of contracts, leases, and other arrangements pursuant to this article.

SEC. 247. Section 21640 of the Public Utilities Code is amended to read:

21640. To enforce the payment of any charges for repairs, improvements, storage, or care of any personal property by the department or its agents in connection with the operation of an airport or air navigation facility owned or operated by the state, the state has a lien on the property, which is enforceable by the department as provided by law.

SEC. 248. Section 21641 of the Public Utilities Code is amended to read:

21641. No person shall erect or add to the height of any structure within the boundaries of this state which will result in a structure that extends more than 500 feet above the ground on which such structure rests until a permit therefor has been issued for such purpose by the department. This section is not applicable to the construction of any structure if the Federal Communications Commission is required to approve the height of the structure or if the height of the structure is required to be approved under the Federal Aviation Act of 1958 (Public Law 85-726; 72 Stat. 731).

SEC. 249. Section 21642 of the Public Utilities Code is amended to read:

21642. The department may refuse issuance of a permit under Section 21641 if it determines, after notice and hearing held pursuant to this part, that the erection of or addition to a structure would obstruct the airspace overlying the state so as to create an unsafe condition for the flight of aircraft.

Any person aggrieved by the action of the department pursuant to this section may have such action reviewed by the courts in a manner provided by law.

SEC. 250. Section 21643 of the Public Utilities Code is amended to read:

21643. After the effective date of this section, no person shall construct any structure or permit any natural growth to

grow within one statute mile of the exterior boundary of any airport open to public use at such height as to constitute a hazard to air navigation, as a hazard to air navigation is defined in accordance with Part 77 of the Federal Aviation Regulations of the Federal Aviation Agency, unless a permit allowing such construction or growth is issued by the department, provided, however, that such permit shall not be required if the Federal Aviation Agency has determined that such construction or growth does not constitute a hazard to air navigation or would not create an unsafe condition for air navigation; and provided further, however, that this section shall not apply to a pole, pole line, distribution or transmission tower or tower line, or substation of a public utility. The foregoing exceptions to this section shall continue, however, to be subject to the provisions of Section 21645.

SEC. 251. Section 21644 of the Public Utilities Code is amended to read:

21644. The department may refuse issuance of a permit under Section 21643 if it determines, after notice and hearing held pursuant to this part, that the construction of the structure or growth of the natural growth would constitute a hazard to air navigation or create an unsafe condition for air navigation.

Any person aggrieved by the action of the department pursuant to this section may have such action reviewed by the courts in the manner provided by law.

SEC. 252. Section 21661 of the Public Utilities Code is amended to read:

21661. This article does not apply to airports owned or operated by the United States To the extent necessary, the department may exempt any other class of airports, pursuant to a reasonable classification or grouping, from any rule or requirement thereof, promulgated under this article, if it finds that its application would be an undue burden on the class and is not required in the interest of public safety.

SEC. 253. Section 21662 of the Public Utilities Code is amended to read:

21662. The department may provide for the approval of airport sites and the issuance of airport permits. No charge shall be made for the approval or permit.

SEC. 254. Section 21663 of the Public Utilities Code is amended to read:

21663. It is unlawful for any political subdivision, any of its officers or employees, or any person to operate an airport without an appropriate permit as may be required by rule of the department pursuant to this article

SEC. 255. Section 21664 of the Public Utilities Code is amended to read:

21664. Upon the promulgation by the department of a rule providing for the approval of airport sites, any political subdivision or person desiring or planning to construct or establish an airport may apply to the department for approval of the site prior to the acquisition of the site or prior to the con-

struction or establishment of the proposed airport. The application shall set forth the location of all highways, railways, mains, pipes, conduits, wires, cables, poles, and other facilities and structures of public service corporations and of persons engaged in radio or television broadcasting located within the area proposed to be acquired or zoned, and the names of the owners of the facilities and structures.

SEC. 256. Section 21665 of the Public Utilities Code is amended to read:

21665. On its own motion, the department may, or upon the request of an affected or interested person the department shall, hold a public hearing in connection with the approval of an airport site or the issuance of an airport permit. Before the department grants or denies approval of an airport site or issues an original permit to use or operate an airport, all public service corporations and all persons or corporations engaged in radio or television broadcasting owning facilities in the area involved shall be notified of the application and shall have 15 days after the notice in which to demand a public hearing.

SEC. 257. Section 21666 of the Public Utilities Code is amended to read:

21666. The department shall grant approval of an airport site and issue an airport permit, with reasonable dispatch, if it is satisfied that all of the following requirements have been met:

(a) The site is adequate for the proposed airport. Any site shall be deemed adequate which meets or exceeds the minimum airport standards approved or recommended by the federal government.

(b) The proposed airport, if constructed or established, will conform to minimum standards of safety.

(c) Safe air traffic patterns have been worked out for the proposed airport and for all existing airports and approved airport sites in its vicinity.

(d) The zone of approach of the airport has been engineered in conformity with the provisions of Section 21403, and is available for public inspection.

The department may grant approval of a site subject to any reasonable conditions which it deems necessary to effectuate the purposes of this article.

SEC. 258. Section 21667 of the Public Utilities Code is amended to read:

21667. The department shall grant approval of airport sites and issue airport permits for any improved airports in use or ready for use on June 30, 1947.

SEC. 259. Section 21668 of the Public Utilities Code is amended to read:

21668. The department may revoke any airport permit, after notice and an opportunity for hearing have been given to the holder, if it reasonably determines that any of the following conditions are present:

(a) There has been an abandonment of the site as an airport.

(b) There has been a failure within the time prescribed, or if no time was prescribed within a reasonable time, to develop the site as an airport or to comply with the conditions of the approval.

(c) The site is no longer usable for the aeronautical purposes for which the approval was granted because of change of physical or legal conditions or circumstances.

SEC. 260. 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 department 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. 261. 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 department 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. 262. Section 21682 of the Public Utilities Code is amended to read:

21682. (a) The department 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 department 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 department, 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 department 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 department 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. 263. 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 department 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 department 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 department.

(d) Payments made to public entities from the Airport Assistance Revolving 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 department 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 Revolving Fund for expenditure upon any airport which is not open to use by the general public.

SEC. 264. 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 department in making allocations, pursuant to Section 21685, to public entities and the University of California for the acquisition and development of airports.

The department 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. 265. Section 21685 of the Public Utilities Code is amended to read:

21685. Any public entity and the University of California may apply to the Department of Aeronautics during the first six months of the year for the allocation of funds for the acquisition and development of airports. The Department 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 department.

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 department 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 department 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. 265.1. Section 21685.5 of the Public Utilities Code is amended to read:

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

SEC. 266. Section 21687 of the Public Utilities Code is amended to read:

21687. "Airport and aviation purposes" means expenditures of a capital improvement nature, including, but not limited to, expenditures for the following purposes:

(a) Land acquisition for improvement and development of airports.

(b) Reconstruction of existing runways.

(c) Construction of new runways and existing taxiways.

(d) Major projects for resurfacing runways or taxiways.

(e) Construction of airport aprons available for public parking, storage, or service.

(f) Installation of runway, taxiway, obstruction, or apron lights, and associated transformers, control panels, generator vaults, auxiliary power, or electrical vaults.

(g) Wind direction indicators or segmented circle and landing direction indicators.

(h) Boundary markers.

(i) Airport communication or navigation aids.

Expenditures which cannot be clearly identified as capital improvements must be submitted to the department for consideration and approval.

SEC. 267. Section 21688 of the Public Utilities Code is amended to read:

21688. "Own and operate" means that the public entity must own property in fee simple or by a long-term lease of a minimum of twenty (20) years, unless otherwise approved by the department and must maintain dominion and control of the property. Operations of the airport will be for and on behalf of the public entity.

All leases to the public entity of property must be approved by the department.

Lease of the property to an agent or agency other than the public entity does not meet the criteria for participation in airport assistance funds.

SEC. 268. Section 21690.1 of the Public Utilities Code is amended to read:

21690.1. Whenever any airport, for which payments have been made from the Airport Assistance Revolving Fund, ceases to be used as an airport open to the general public for a period in excess of one year, the 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 department. The amount shall equal the total of all payments made for such airport from the Airport Assistance Revolving Fund during the preceding 20 years less 5 percent of the amount of a particular payment multiplied by the number of years since the payment was made; provided, that the provisions of this section shall not be applicable to an airport that is replaced by a comparable facility within a period of one year.

Any moneys derived from any payments provided for in this section shall not be available for expenditure unless appropriated.

SEC. 269. Section 21690.2 of the Public Utilities Code is amended to read:

21690.2. Effective July 1, 1967, no payments shall be made from the Airport Assistance Revolving Fund for expenditure on any airport or for the acquisition or development of any airport if the department determines that the airspace control and height restrictions in any airport hazard area of the airport is inadequate to provide reasonable assurance that the landing and taking off of aircraft at the airport will be conducted without obstruction or will be otherwise free from hazards. The airspace control provisions shall not be considered adequate unless as a minimum they comply with the requirements of the Federal Aviation Agency's Technical Standard Order N 18 or any corresponding rules or regulations of the Federal Aviation Agency are met.

This section shall not prevent or prohibit the department from assisting any city, county or airport district in planning airport development or in planning the zoning needs around an airport.

SEC. 270. Section 21691 of the Public Utilities Code is amended to read:

21691. Any hearing held under this part 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.

SEC. 271. Section 21692 of the Public Utilities Code is amended to read:

21692. The department, any member, the director, or any officer or employee of the department designated by it may hold investigations, inquiries, and hearings concerning matters covered by this part and the rules and orders of the department, and concerning accidents in aeronautics within this state. Hearings shall be open to the public and, except as provided in Section 21691, shall be held upon such call or notice as the department deems advisable. Each member of the department, the director, and every officer or employee of the department designated by it to hold any inquiry, investigation, or hearing may administer oaths and affirmations, certify to all official acts, issue subpoenas, and order the attendance and testimony of witnesses and the production of papers, books, and documents. If any person fails to comply with any subpoenas or order issued under the authority of this section, the department or its authorized representative may invoke the aid of any court of general jurisdiction. The court may order such person to comply with the requirements of the subpoena or order to give evidence touching the matter in question. Failure to obey the order of the court may be punished by the court as contempt.

SEC. 272. Section 21693 of the Public Utilities Code is amended to read:

21693. In order to facilitate the making of investigations by the department in the interest of public safety and promotion of aeronautics, the reports of investigations or hearings or any part of the reports, shall not be admitted in evidence or used for any purpose in any suit, action, or proceeding growing out of any matter referred to in the investigation, hearing, or report, except in case of any suit, action, or proceeding, civil or criminal, instituted by or in behalf of the department or in the name of the state under the provisions of this part or other laws of the state relating to aeronautics. Any member of the department, the director, or any officer or employee of the department shall not be required to testify to any facts ascertained in, or information gained by reason of, his official capacity, nor be required to testify as an expert witness in any suit, action, or proceeding involving any aircraft. Subject to these limitations, the department may make available to appropriate federal, state, and political subdivision agencies information and material developed in the course of its investigations and hearings.

SEC. 273. Section 21694 of the Public Utilities Code is amended to read:

21694. Every order of the department requiring performance of certain acts or compliance with certain requirements shall set forth the reasons, state the acts to be done or requirements to be met, and be served upon the person affected either by registered mail or in person. Any person aggrieved by an order of the department may have the action of the department reviewed by the courts in the manner provided by law.

SEC. 273.01. Section 24233 of the Public Utilities Code is amended to read:

24233. "Department" means the Department of Aeronautics in the Business and Transportation Agency.

SEC. 273.02. Section 24243 of the Public Utilities Code is amended to read:

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 department a certificate of insurance issued by the insurance company which issued such policy.

SEC. 273.03. Section 24245 of the Public Utilities Code is amended to read:

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 department of the injunctive or other process of the courts in aid of the enforcement of this part.

SEC. 273.04. Section 24250 of the Public Utilities Code is amended to read:

24250. The department 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.

SEC. 273.05. Section 24251 of the Public Utilities Code is amended to read:

24251. The department 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 department shall have all of the powers granted therein

SEC. 273.06. Section 24252 of the Public Utilities Code is amended to read:

24252. Any person aggrieved by any rule, regulation, order or act of the department or by a failure of the department to act hereunder, may have judicial review thereof as provided in Sections 11440 and 11523 of the Government Code.

SEC. 273.07. Section 24253 of the Public Utilities Code is amended to read:

24253. The records of and proceedings before the department 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 department 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.

SEC. 273.08. Section 24254 of the Public Utilities Code is amended to read:

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 department 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 department 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 department, 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.

SEC. 273.09. Section 24300 of the Public Utilities Code is amended to read:

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 department. 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 division in writing immediately but not later than 48 hours after learning of the accident.

SEC. 273.10. Section 24301 of the Public Utilities Code is amended to read:

24301. The report, the form of which shall be prescribed by the department, shall include information to enable the department 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 department may rely upon the accuracy of the information until it has reason to believe that the information is erroneous.

SEC. 273.11. Section 24302 of the Public Utilities Code is amended to read:

24302. The operator and the owner shall furnish such additional information as the department may require.

SEC. 273.12. Section 24325 of the Public Utilities Code is amended to read:

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 department 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.

SEC. 273.13. Section 24326 of the Public Utilities Code is amended to read:

24326. As promptly as practicable but not later than 30 days after the entry of the order required by Section 24325, the department, 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 department.

SEC. 273.14. Section 24327 of the Public Utilities Code is amended to read:

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 department 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.

SEC. 273.15. Section 24350 of the Public Utilities Code is amended to read:

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 department to afford adequate protection and which has filed or shall file with the department a power of attorney authorizing the department 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.

SEC. 273.16. Section 24352 of the Public Utilities Code is amended to read:

24352. Any person may at any time apply to the department 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

SEC. 273.17. Section 24353 of the Public Utilities Code is amended to read:

24353. The department 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.

SEC. 273.18. Section 24354 of the Public Utilities Code is amended to read:

24354. Upon not less than 10 days notification of a self-insurer the department may for reasonable cause cancel a certificate of self-insurance and shall cancel such certificate upon failure to pay any judgment within 30 days

SEC. 273.19. Section 24355 of the Public Utilities is amended to read:

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 department 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 department 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 department, 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.

SEC. 273.20. Section 24356 of the Public Utilities Code is amended to read:

24356. Upon 10 days notification of the parties concerned, the department 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.

SEC. 273.21. Section 24357 of the Public Utilities Code is amended to read:

24357. Security deposited in compliance with the requirements of this part shall be delivered to the department. The department 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 department shall be released only:

(a) Upon certificate of the department 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 department issued after 10 days notification of all claimants upon evidence satisfactory to the department 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 department 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 department 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 department is furnished proof of such incapacity.

The department 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 department 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.

SEC. 273.22. Section 24358 of the Public Utilities Code is amended to read:

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 department'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.

SEC. 273.23. Section 24360 of the Public Utilities Code is amended to read:

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 department shall, for the purpose of this part, require other evidence of ability to respond in damages as required by this part.

SEC. 273.24. Section 24361 of the Public Utilities Code is amended to read:

24361. No insurance policy meeting the requirements of Section 24350 shall be canceled unless 30 days' prior notice is given to the department by either the insured or the insurance company.

SEC. 273.25. Section 24401 of the Public Utilities Code is amended to read:

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 department 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.

SEC. 273.26. 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 Department of Aeronautics a statement containing a list of names, addresses of owners, make, model, aircraft registra-

tion number and assessed value of all aircraft which were using airports in the county as a base.

SEC. 273.27. Section 8352 of the Revenue and Taxation Code is amended to read:

8352. The money in the Motor Vehicle Fuel Fund is hereby appropriated, subject to the provisions of any budget bill heretofore or hereafter enacted and Section 11006 of the Government Code, as follows:

(a) To pay the refunds authorized in this part, including refunds due on account of judgments for the return of license taxes illegally collected.

(b) To the Controller, to carry out any duties imposed upon him by this part.

(c) To the board, to carry out any duties imposed upon it by this part.

(d) To the Highway Users Tax Fund, as provided in this chapter.

(e) To pay the pro rata share of the overhead and general administrative expense of the Controller and the board attributable to duties imposed by this part. The pro rata share is payable upon presentation of a claim against any appropriation from the Motor Vehicle Fuel Fund for the support of the Controller or the board, as the case may be.

(f) For transfer to the Aeronautics Fund, which fund is hereby created, all moneys in the Motor Vehicle Fuel Fund attributable to the distribution of motor vehicle fuel for use or used in propelling an aircraft in the state, for allocation as follows:

(1) To pay the refunds authorized by Section 8101.5.

(2) To pay the pro rata cost of the Controller and board under subdivisions (b), (c) and (e).

(3) To pay for the support of the Department of Aeronautics.

(4) For transfer of the balance remaining to the Airport Assistance Revolving Fund.

No part of the moneys in the Motor Vehicle Fuel Fund attributable to the distribution of motor vehicle fuel for use or used for propelling an aircraft in the state shall be appropriated, subject to the provisions of any subdivision heretofore or hereafter enacted and Section 11006 of the Government Code, or allocated, except in accordance with the provisions of this subdivision.

(g) To the Harbors and Watercraft Revolving Fund for expenditure in accordance with the provisions of Division 1 (commencing with Section 30) of the Harbors and Navigation Code, the sum of four million dollars ($4,000,000) per annum, commencing with the 1965–1966 fiscal year, this sum representing the amount of money in the Motor Vehicle Fuel Fund attributable to taxes imposed on distributions of motor vehicle fuel used or usable in propelling vessels. Payments pursuant to this subdivision shall be made prior to payments pursuant to subdivision (d). The Department of Public Works, after

consultation with the Department of Harbors and Watercraft, shall prepare or cause to be prepared a report setting forth the current estimate of the amount of money in the Motor Vehicle Fuel Fund attributable to taxes imposed on distributions of motor vehicle fuel used or usable in propelling vessels; and the Department of Public Works shall submit such report to the Legislature on or before the fifth legislative day of the 1970 Regular Session and each four (4) years thereafter.

SEC. 273.28. Section 16304 of the Welfare and Institutions Code is amended to read:

16304. Any organization or person receiving a certificate of authority to enter into care agreements shall maintain reserves covering obligations assumed under all agreements entered into and maintained. Such reserves shall be in an amount not less than the sum computed in accordance with the standard of valuation based upon a modern and up-to-date table of mortality selected by the department in consultation with the Department of Insurance. The table of mortality shall be employed in connection with all care agreements entered into on or after January 1, 1958, while McClintock's table of mortality among annuitants shall be employed in connection with care agreements entered into prior to January 1, 1958. The interest assumption for such computation shall be determined by the department in consultation with the Department of Insurance.

Failure to maintain reserves as provided in this section shall be deemed a breach of all agreements to furnish care.

The reserves shall consist of the following:

1. Deposits in commercial and savings accounts with banks which are members of the Federal Deposit Insurance Corporation, to the extent that such deposits are insured by that corporation.

2. Investments in certificates issued by building and loan associations which are members of the Federal Savings and Loan Insurance Corporation, to the extent that such certificates are insured by such corporation.

3. Notes receivable secured by first deeds of trust and first mortgages.

4. Bonds and stocks selected from an approved list, as determined by the department in consultation with the Department of Insurance and the Department of Corporations. In the event stocks, bonds, and securities that are not on the approved list are part of the reserves, and if they are to be retained as part of the reserves, it shall not be necessary that such unapproved stocks, bonds, and securities be disposed of immediately, but they shall be disposed of in accord with regulations of the department, which disposal shall be accomplished in a gradual manner so as to avoid loss to certificate holders Securities which, although not on the approved list, should be retained in the reserve for reasons acceptable to the

department may be retained with the specific approval of the department.

5. Real estate used to provide care and housing for holders of life care contracts, or equities therein, owned by the organization or person, to the extent of 60 percent of the net value thereof, except that beginning January 1, 1958, such percentage shall be reduced by 2 percent per year to a minimum of 25 percent of the net value thereof. Appraisals shall be made by two appraisers approved by the department.

6. Furniture and equipment situated in property used to provide care and housing for holders of life care contracts, to the extent of 50 percent of the net value thereof, except that beginning January 1, 1958, such percentage shall be reduced by 2 percent per year to a minimum of 25 percent of the net value thereof. Appraisals shall be made by two appraisers approved by the department.

7. Real estate or equities therein owned by the organization or person as an investment, the rents from which are used to discharge obligations to the holder of life care contracts or to reinvest as a part of the reserves.

8. Investment certificates or shares in open end investment trusts (1) whose management must have been managing a mutual fund registered under the Investment Company Act of 1940, or the management must have been registered as an investment advisor under the Investment Advisors' Act of 1940, and in either case must currently have at least one hundred million dollars ($100,000,000) under its supervision; (2) which is qualified for sale in California; (3) has at least 40 percent of its directors or trustees not affiliated with the fund's management company or principal underwriter or any of their affiliates; (4) is registered under the Investment Company Act of 1940; and (5) is a fund listed as qualifying under rules maintained by the Commissioner of Corporations in cooperation with the Department of Insurance.

9. At least 25 percent of the reserve necessary to maintain all care agreements must consist of listed bonds, stocks, commercial and savings accounts and building and loan certificates. Any person or organization holding a certificate of authority to enter into life care agreements upon the effective date of this act, that is unable to meet the reserve requirements of this subdivision, may petition the department for a modification of the percentage in the reserve requirement.

Any person or organization which has entered into care agreements prior to October 1, 1957, but which was not required prior to September 11, 1957, to obtain a certificate of authority under this chapter, is not required to maintain reserves covering obligations assumed under any agreement entered into prior to October 1, 1957.

SEC. 274. Section 30050 of the Streets and Highways Code is amended to read:

30050. There is in the state government a board known as California Toll Bridge Authority, composed of the Gov-

ernor, the Lieutenant Governor, the Secretary of the Business and Transportation Agency, the Director of Finance, and a person or officer of the state appointed by the Governor. The Director of Public Works shall not be a member of the authority but shall serve as administrative officer thereof.

SEC. 275. Section 30051 of the Streets and Highways Code is amended to read:

30051. If the office of Secretary of the Business and Transportation Agency, or Director of Finance, is discontinued or abolished by law, the Governor shall appoint any person or officer of the state to fill any vacancy resulting from the abolition or discontinuance of the office.

SEC. 276. Section 291 of the Vehicle Code is amended to read:

291. The Department of Public Works is part of the Business and Transportation Agency, as provided by Section 13975 of the Government Code.

SEC. 277. Section 1500 of the Vehicle Code is amended to read:

1500. There is in the Business and Transportation Agency the Department of Motor Vehicles.

SEC. 278. Section 1505 of the Vehicle Code is amended to read:

1505. The director, with the approval of the Governor and the Secretary of the Business and Transportation Agency, shall organize the department in such manner as he may deem necessary to conduct the work of the department. The department is divided into at least four divisions, known as the Division of Registration, the Division of Drivers Licenses, the Division of Field Office Operation, and the Division of Administration.

SEC. 279. Section 2100 of the Vehicle Code is amended to read:

2100. There is in the Business and Transportation Agency the Department of the California Highway Patrol.

SEC. 280. Section 2109 of the Vehicle Code is amended to read:

2109. The commissioner shall organize the department with the approval of the Governor and the Secretary of the Business and Transportation Agency and may arrange and classify the work of the department and may with the approval of the Governor and the Secretary of the Business and Transportation Agency create or abolish divisions thereof.

SEC. 281. Section 2901 of the Vehicle Code is amended to read:

2901. The California Traffic Safety Program shall be prepared by the Secretary of the Business and Transportation Agency. The Governor shall be responsible for the administration of the program, and shall have final approval of all phases of the program, and may take all action necessary to secure the

full benefits available to the program under the Federal Highway Safety Act of 1966, and any amendments thereto.

SEC. 282. Section 2902 of the Vehicle Code is amended to read:

2902. To the maximum extent permitted by federal law and regulations and the laws of this state, the Governor may delegate to the Secretary of the Business and Transportation Agency any power or authority necessary to administer the program, and the secretary may exercise such power or authority once delegated.

SEC. 283. Section 22356 of the Vehicle Code is amended to read:

22356. Whenever the Department of Public Works, after consultation with the Department of the California Highway Patrol, determines upon the basis of an engineering and traffic survey that a speed greater than 65 miles per hour would facilitate the orderly movement of vehicular traffic and would be reasonable and safe upon any state highway or portion thereof which is a freeway with full control of access and without crossings at grade otherwise subject to a maximum speed limit of 65 miles per hour, the Secretary of the Business and Transportation Agency may declare a higher maximum speed of 70 miles per hour, and shall cause appropriate signs to be erected giving notice thereof.

No person shall drive a vehicle upon such highway at a speed greater than 70 miles per hour.

SEC. 284. Section 23340 of the Vehicle Code is amended to read:

23340. The Business and Transportation Agency may adopt rules and regulations for the control of traffic and the issuance of encroachment permits pursuant to the provisions of this division upon or within parkways so as to insure the safe and orderly flow of traffic therein, and to insure leisurely enjoyment of the environmental amenities.

SEC. 285. Section 23341 of the Vehicle Code is amended to read:

23341. It is unlawful for commercial vehicles to operate upon or within a parkway except as expressly permitted by rules and regulations adopted by the Business and Transportation Agency.

SEC. 286. Section 23342 of the Vehicle Code is amended to read:

23342. So far as practicable, the Business and Transportation Agency shall notify the public of the rules and regulations relating to parkways by means of signs. The Business and Transportation Agency shall also cause to be published and made available to the public copies of the traffic laws and rules and regulations applicable to each parkway.

SEC. 287. Section 28101 of the Vehicle Code is amended to read:

28101. The Legislature finds that:

(1) The public safety necessitates the continuous development, modernization and implementation of standards and requirements of law relating to vehicle equipment, in accordance with expert knowledge and opinion.

(2) The public safety further requires that such standards and requirements be uniform from jurisdiction to jurisdiction, except to the extent that specific and compelling evidence supports variation.

(3) The Business and Transportation Agency, acting upon recommendations of the Vehicle Equipment Safety Commission and pursuant to the Vehicle Equipment Safety Compact, provides a just, equitable and orderly means of promoting the public safety in the manner and within the scope contemplated by this chapter.

SEC. 288. Section 28103 of the Vehicle Code is amended to read:

28103. The commissioner of this state on the Vehicle Equipment Safety Commission shall be the Secretary of the Business and Transportation Agency, who shall serve during his continuance as such officer. The commissioner of this state appointed pursuant to this section may designate an alternate from among the officers and employees of his agency to serve in his place and stead on the Vehicle Equipment Safety Commission. Subject to the provisions of the compact and bylaws of the Vehicle Equipment Safety Commission, the authority and responsibilities of such alternate shall be as determined by the commissioner designating such alternate.

SEC. 289. Section 28105 of the Vehicle Code is amended to read:

28105. Within appropriations available therefor, the Business and Transportation Agency, and at the request of such agency, the other departments, agencies and officers of the government of this state may cooperate with and assist the Vehicle Equipment Safety Commission within the scope contemplated by Article III(h) of the compact. Such departments, agencies and officers of the government of this state are authorized generally to cooperate with said commission.

SEC. 290. Section 28107 of the Vehicle Code is amended to read:

28107. Pursuant to Article VI(a) of the compact, the Vehicle Equipment Safety Commission shall transmit its budgets to the Business and Transportation Agency for submission to and approval by the Legislature.

SEC. 291. Section 28108 of the Vehicle Code is amended to read:

28108. Pursuant to Article VI(e) of the compact, the Business and Transportation Agency is hereby empowered and authorized to inspect the accounts of the Vehicle Equipment Safety Commission.

SEC. 292. Section 12510 of the Water Code is amended to read:

12510. There is in the state government, in the Resources Agency, the Colorado River Board of California.

SEC. 293. Section 13042.5 of the Water Code is repealed.

SEC. 294. Section 1710 of the Welfare and Institutions Code is amended to read:

1710. There is in the Human Relations Agency the Department of the Youth Authority.

SEC. 295. Section 3004 of the Welfare and Institutions Code is amended to read:

3004. (a) There is in the state government a Narcotics Rehabilitation Advisory Council, hereafter referred to in this section as the "council." The council shall be composed of nine 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 council shall be designated by the Governor from time to time The terms of the members first appointed to the council shall expire as follows: three members on January 15, 1965; three members on January 15, 1966; and three members on January 15, 1967. Their successors shall hold office for four years, each term to commence on the expiration date of the term of the predecessor. Vacancies shall be filled by appointment for the unexpired term. Insofar as practicable, persons appointed to the council shall have a broad background in law, sociology, law enforcement, medicine, or education and shall have a deep interest in the treatment and rehabilitation of narcotic addicts.

(b) Each member of the council shall give such time to the duties of his office as is required. The members of the 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 council shall hold at least four meetings each calendar year. The times and places of such meetings shall be designated by the chairman. In addition, the chairman shall, on written request of three members of the council, summon a meeting for the time and place specified in the request. The chairman shall give notice of each meeting to the Secretary of the Human Relations Agency, the Attorney General, the Director of Corrections, the Director of the Department of Mental Hygiene, the Director of the State Department of Public Health, the Superintendent of the California Rehabilitation Center, the Chairman of the Adult Authority, the Chairman of the California Women's Board of Terms and Parole and to representatives of statewide and regional professional organizations which appear to him to have a strong interest in the treatment and rehabilitation of narcotic addicts.

(c) The council shall:

(1) Advise the Governor, the Secretary of the Human Relations Agency, the Director of Corrections, the Narcotic Addict Evaluation Authority, and the Superintendent of the California Rehabilitation Center with respect to the receiving, con-

finement, control, employment, education, treatment, release policies and procedures, outpatient care and supervision, and rehabilitation of persons who are or have been addicted to narcotics or who by reason of repeated use of narcotics are in imminent danger of becoming addicted;

(2) Study the operation of the California Rehabilitation Center and all research programs conducted in connection therewith, and assist in the planning, evaluating and interpretation of, the detention and treatment program as well as the policies and procedures employed in the supervision and management of persons committed to the program who are in either outpatient status or inpatient status;

(3) Submit at least one report annually to the Governor and the Legislature.

(d) The council shall not exercise any administrative functions or responsibilities in connection with the operation of the California Rehabilitation Center and related programs. Its functions and duties are limited to acting in an advisory capacity.

(e) Expenses of the council and its members shall be paid from the appropriation for the support of the California Rehabilitation Center.

SEC. 296. Section 3150 of the Welfare and Institutions Code is amended to read:

3150. (a) There is in the state government 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.

SEC. 297. 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 Secretary of the Human Relations Agency and shall be subject to the administrative direction of the Director of the Youth Authority.

SEC. 298. Section 4000 of the Welfare and Institutions Code is amended to read:

4000. There is in the Human Relations Agency a Department of Mental Hygiene.

SEC. 299. Section 10550 of the Welfare and Institutions Code is amended to read:

10550. There is in the Human Relations Agency a Department of Social Welfare.

SEC. 300. Chapter 3.5 (commencing with Section 10750) is added to Part 2 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 3.5. DEPARTMENT OF HEALTH CARE SERVICES

10750. There is in the state government, in the Human Relations Agency, a Department of Health Care Services.

10751. The Department of Health Care Services is under the control of an executive officer known as the Director of Health Care Services, who shall be appointed by the Governor, subject to confirmation by the Senate, and hold office at the pleasure of the Governor. He shall receive the annual salary provided for by Article 1 (commencing with Section 11550) of Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code.

10752. The Director of Health Care Services shall have the powers of a head of a department pursuant to Chapter 2 (commencing with Section 11150) of Part 1 of Division 3 of Title 2 of the Government Code.

10753. The Department of Health Care Services succeeds to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction relating to health care vested in the Administrator of the Health and Welfare Agency by Chapter 7 (commencing with Section 14000), Chapter 8 (commencing with Section 14500), and Chapter 9 (commencing with Section 15000) of Part 3 of Division 9 of this code.

10754. The Department of Health Care Services may use the unexpended balances of funds available for use by the Administrator of the Health and Welfare Agency in connection with the performance of the functions relating to health care vested in him by Chapter 7 (commencing with Section 14000), Chapter 8 (commencing with Section 14500), and Chapter 9 (commencing with Section 15000) of Part 3 of Division 9 of this code.

10755. All officers and employees of the Administrator of the Health and Welfare Agency who, on the operative date of this section, are serving in the state civil service, other than as temporary employees, and engaged in the performance of a function vested in the Department of Health Care Services by Section 10753 shall be transferred to the Department of Health Care Services. The status, positions, and rights of such persons shall not be affected by the transfer, and shall be retained by them as officers and employees of the Department of Health Care Services pursuant to the State Civil Service Act, except as to positions exempt from civil service.

10756. The Department of Health Care Services shall have the possession and control of all records, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, held for the benefit or use of the Administrator of the Health and Welfare Agency in the performance of the duties, powers, purposes, responsibilities, and jurisdiction of the Administrator of the Health and Welfare Agency that are vested in the Department of Health Care Services by Section 10753.

SEC. 300.1. Section 13921 of the Welfare and Institutions Code is amended to read:

13921. The Human Relations 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 secretary 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 persons 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 secretary 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.

SEC. 300.2. Section 13922 of the Welfare and Institutions Code is amended to read:

13922. In the establishment of the rate schedules the Secretary of the Human Relations 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 cost of providing care under the required standards, and activity programs required for the maintenance or restoration of function of aged and disabled persons.

SEC. 300.3. Section 13923 of the Welfare and Institutions Code is amended to read:

13923. The Secretary of the Human Relations 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.

SEC. 301. Section 14061 of the Welfare and Institutions Code is amended to read:

14061. As used in this chapter and Chapter 8 (commencing with Section 14500) of this part, "director" means the Director of Health Care Services.

SEC. 302. Section 14062 of the Welfare and Institutions Code is amended to read:

14062. As used in this chapter and Chapter 8 (commencing with Section 14500) of this part, "department" means the Department of Health Care Services.

SEC. 303. Section 14100.1 of the Welfare and Institutions Code is amended to read:

14100.1. For the purpose of administering this chapter and Chapter 8 (commencing with Section 14500) of this part, the Director of Health Care Services shall have those powers and duties conferred by state law upon the Department of Social Welfare and its director as necessary to conform to requirements for securing approval of a state plan under the provisions of the applicable federal law.

SEC. 304. Section 14125 of the Welfare and Institutions Code is amended to read:

14125. There is in the Department of Health Care Services the Health Review and Program Council, hereafter referred to as the council.

SEC. 305. Section 14126 of the Welfare and Institutions Code is amended to read:

14126. The council shall consist of 11 members appointed by the Governor, five of whom shall be members of the health profession.

The Director of Health Care Services, the Director of Social Welfare, the Director of Public Health, the Director of Rehabilitation, and the Director of Mental Hygiene shall serve as ex officio members of the council.

SEC. 306. Section 14150.2 of the Welfare and Institutions Code is amended to read:

14150.2. (a) A county which has elected to come within the provisions of Section 14150.1 shall not on and after July 1, 1967, be reimbursed for any increase in health services for persons in county or contract hospitals, unless the county first submits to the director a plan for such increased health services, and the director approves the plan. If the director approves the plan the county shall be reimbursed for the costs of providing such increased health services The director shall adopt standards for approval of plans for increased health services pursuant to this subdivision. In no case shall the director approve any plan which increases costs to the state above the limit on expenditures specified in subdivision (c) of this section.

(b) A county which has elected to come within the provisions of Section 14150.1 shall not be reimbursed for the cost of providing on and after July 1, 1967, increases in compensation for persons employed by the county in county hospitals,

unless such increases in compensation meet the following compensation standards:

The director shall make a finding and, based upon that finding, make recommendations as to the level of salaries and wages which the state should pay. The findings shall be based on an annual salary survey prepared by the State Personnel Board of prevailing or comparable wage and salary rates for the same or similar services in communities. The survey shall include due consideration of differences in salaries and wages in different areas of the state.

(c) Notwithstanding any other provision of this code, the state's obligation to pay to counties which have elected to come within the provisions of Section 14150.1 the amounts of costs incurred in the 1967–68 fiscal year for persons in county or contract hospitals who are neither categorical aid recipients nor medically indigent persons as specified in Section 14150 which are in excess of such costs for the 1964–65 fiscal year shall not exceed forty-four million dollars ($44,000,000) during the 1967–68 fiscal year, and in subsequent fiscal years shall not exceed the amount appropriated by the Legislature in the Budget Act for that purpose.

SEC. 307. Section 14156 of the Welfare and Institutions Code is amended to read:

14156 Prior to February 15, 1966, the State Health and Welfare Agency shall promulgate its determination of 1964–65 county costs described in Sections 14150, 14150.1, 14150.5, and 14155 and shall furnish a copy thereof to each county board of supervisors. Any county claiming inaccuracies in the determination of any part of such costs for such county may, prior to March 31, 1966, petition the State Board of Control for a review of such determination of costs. The State Board of Control shall investigate the matter, shall afford the county an opportunity for a hearing and shall issue a final cost determination for such county.

The Department of Health Care Services shall annually determine the amount of excess, if any, each county has been charged under Sections 14150, 14150.1, 14150.5, and 14151 in excess of the limitation on county expenses made by Section 14150.1 or Section 14155. Such determination shall be made for each fiscal year by October 1st of the following fiscal year. The amount of excess charge, if any, for each county shall be paid to each county under Section 14154 as an additional amount thereunder.

SEC. 308. Section 14157 of the Welfare and Institutions Code is amended to read:

14157. There is hereby established a State Health Care Deposit Fund from which expenditures of state and federal funds for health care under this chapter and Chapter 8 (commencing with Section 14500) shall be made upon order of the Controller in accordance with certifications made by the director.

After the effective date of this chapter and Chapter 8, the Controller shall deposit in this fund all federal funds as received under the provisions of Title XIX of the Social Security Act, and after the effective date, shall upon order of the Director of Finance, transfer from the State General Fund to the Health Care Deposit Fund each month the sum specified by the Director of Finance as constituting the estimated amounts of General Fund money resulting from:

1. The unexpended balance of state appropriations for the existing Public Assistance Medical Care and Medical Aid for the Aged programs as of April 1, 1966;

2. The amount of reduced General Fund obligations for public assistance resulting from the increases in benefits under the Federal Social Security Act for the period October 1, 1965, through June 30, 1966;

3. The added benefits to widows under the Federal Social Security Act for the period October 1, 1965, through June 30, 1966;

4 The inclusion of newly eligible persons over the age of 72 under the Federal Social Security Act for the period October 1, 1965, through June 30, 1966;

5. The participation of the federal government in the cost of care to persons in mental institutions licensed by the Department of Mental Hygiene for the period April 1, 1966, through June 30, 1966;

6. The additional federal contribution to the cost of categorical assistance resulting from utilization of Section 1118 of the Social Security Act for the period April 1, 1966, through June 30, 1966.

The State General Fund amounts deposited into the Health Care Deposit Fund by June 30, 1966, shall be not less than thirty million dollars ($30,000,000), unless a determination is made by the Governor that such an amount is not available for transfer due to a disaster and he reports his findings to the Legislature prior to June 30, 1966

In addition, as of the effective date of this chapter and Chapter 8 (commencing with Section 14500), the Controller shall transfer from the 1965–66 appropriation of the Department of Mental Hygiene to the Health Care Deposit Fund the amount of one million two hundred twenty-one thousand dollars ($1,221,000)

After July 1, 1966, for use during the fiscal year 1966–67, the Controller shall, upon order of the Director of Finance, transfer from the State General Fund to the Health Care Deposit Fund each month the sum specified by the Director of Finance as constituting the estimated amounts of General Fund money resulting from:

1. The equivalent amount of General Fund money appropriated for Public Assistance Medical Care and Medical Aid for the Aged during 1965–66;

2. The amount of reduced General Fund obligations for categorical assistance during 1966–67 from:

(a) The increase in social security benefits due to the 1965 Amendments to the Federal Social Security Act;

(b) The added benefits to widows made available by the 1965 Amendments to the Federal Social Security Act;

(c) The inclusion of newly eligible persons over age 72 made eligible by the 1965 amendments to the Federal Social Security Act;

(d) The participation of the federal government in the cost of care to persons in mental institutions licensed by the Department of Mental Hygiene;

(e) The additional federal contributions to the cost of categorical assistance under Section 1118 of the Federal Social Security Act;

(f) The elimination of special need allowances for health care in the categorical assistance grants.

The State General Fund amounts deposited in the Health Care Deposit Fund by June 30, 1967, shall be not less than one hundred thirty million dollars ($130,000,000), unless a determination is made by the Governor that such an amount is not available for transfer due to a disaster and he reports his findings to the Legislature prior to June 30, 1967.

3. The amount of general funds that would, except for the 1965 Amendments to the Federal Social Security Act and this chapter and Chapter 8 of this part, have been necessarily appropriated to the Department of Mental Hygiene for the care of patients over the age of 65;

4. Any additional sum representing an advantage with respect to General Fund obligations resulting from the operation of the 1965 Amendments to the Federal Social Security Act in accordance with findings of the department concurred in by the Director of Finance and the Director of Health Care Services and filed 30 days in advance with the Joint Budget Committee of the Legislature.

After July 1, 1967, funds shall be transferred to the Health Care Deposit Fund as authorized annually by the Legislature based on estimates of expenditures under this chapter and Chapter 8 (commencing with Section 14500) submitted by the Director of Health Care Services.

If the amount contained in the Health Care Deposit Fund is insufficient to permit payment of the cost for basic and extended health care and county administration, after deducting the aggregate sum of the payments by each county as provided for in this article, the Controller, upon order of the Director of Finance, shall transfer any required additional sum from the General Fund to the Health Care Deposit Fund; provided, however, that in no event shall the total expenditures under this chapter and Chapter 8 of this part exceed the amount of expenditures permitted by Section 14150 or any other limitation contained in this chapter or in the act which added this chapter to the code, except that for the fiscal year ending June 30, 1967, the limitation on expenditures contained in

Section 14150 is hereby removed and all costs incurred to that date shall be payable without regard to such limitation.

All money in the Health Care Deposit Fund is hereby appropriated, without regard to fiscal years, for expenditure for the purposes specified in this chapter and Chapter 8 of this part.

SEC. 309. Section 18300 of the Welfare and Institutions Code is amended to read:

18300. There is in the Department of Human Resources Development, in the Human Relations Agency, 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. 310. 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 and the Secretary of the Human Relations Agency, 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. 311. 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 and the Secretary of the Human Relations Agency, 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. 311.5. Section 2 of Chapter 1399 of the Statutes of 1968 is amended to read:

Sec. 2. The provisions of this act shall be operative under a developmental plan established by the Secretary of the Human Relations 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.

SEC. 311.5. In the event any other act or acts of the 1969 Regular Session of the Legislature has any effect on any section of any code or statute affected by this act, the provisions of such act or acts shall prevail over the conflicting provisions of this act.

SEC. 312. It is the intent of the Legislature in enacting this measure to incorporate into law by statute, without substantive change, the Governor's Reorganization Plan No. 1, dated February 1, 1968, together with such additional changes as were effected by the Legislature at its 1968 sessions.

CHAPTER 139

An act to amend Section 38986 of the Agricultural Code, relating to imitation milk products, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 38986 of the Agricultural Code is amended to read:

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 use funds for the administration and enforcement of this chapter which are collected from producers and distributors pursuant to Article 24 (commencing with Section 62521) of Chapter 2 of Part 3 of Division 21 of this code and which have been appropriated from the Department of Agriculture Fund for such 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 for the Director of Agriculture to be provided with funds to properly enforce the provisions of Chapter 1250 of the Statutes of 1968, effective November 13, 1968, in an orderly and effective manner it is necessary that this act take effect immediately.

CHAPTER 140

An act to add Section 1985.1 to the Code of Civil Procedure, relating to witnesses.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 1985.1 is added to the Code of Civil Procedure, to read:

1985.1. Any person who is subpoenaed to appear at a session of court, or at the trial of an issue therein, may, in lieu of appearance at the time specified in the subpoena, agree with the party at whose request the subpoena was issued to appear at another time or upon such notice as may be agreed upon. Any failure to appear pursuant to such agreement may be punished as a contempt by the court issuing the subpoena. The facts establishing or disproving such agreement and the failure to appear may be proved by an affidavit of any person having personal knowledge of the facts.

CHAPTER 141

An act to add Section 535 to the Code of Civil Procedure, relating to injunctions.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 535 is added to the Code of Civil Procedure, to read:

535. Whenever any security is given in the form of a bond, undertaking, or deposit pursuant to Section 1054a for the issuance of any temporary restraining order or preliminary injunction, each surety or, in the case of a deposit pursuant to Section 1054a, the party who makes such deposit, submits himself to the jurisdiction of the court in all matters affecting his liability on the bond, undertaking, or deposit. After trial and final decision that the party in whose behalf such restraining order or injunction was issued was not entitled thereto, the liability of such party and his surety or sureties, if any, may be enforced on motion filed in the trial court, without the necessity of an independent action. Notice of the motion shall be served on the persons whose liability is sought to be enforced at least 30 days prior to the time set for hearing of the motion. The notice shall state the amount of the claim and shall be supported by affidavit or affidavits setting forth

the facts on which the claim is based. Judgment may be entered in accordance with the notice against the person or persons served therewith, unless such person or persons shall serve and file an affidavit or affidavits in opposition to the motion showing such facts as may be deemed by the judge hearing the motion sufficient to present a triable issue of fact. If such showing is made, the issues to be tried shall be specified by the court and trial thereof shall be set for the earliest date convenient to the court, allowing sufficient time for such discovery proceedings as may be requested. Trial by jury shall be waived unless demand therefor is served and filed not later than 10 days after notice of the order fixing the trial date. Affidavits filed pursuant to this section shall conform to the standards prescribed for affidavits filed pursuant to Section 437c.

CHAPTER 142

An act to add Article 6 (commencing with Section 50925) to Chapter 4 of Part 1 of Division 1 of Title 5 of the Government Code, relating to county and city firemen.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Article 6 (commencing with Section 50925) is added to Chapter 4 of Part 1 of Division 1 of Title 5 of the Government Code, to read:

Article 6. Extraterritorial Activities of Firemen

50925. As used in this article the term "fireman" shall be deemed to include only a member of a fire department of cities, counties, cities and counties, districts or other public or municipal corporations or political subdivisions, whether such members are volunteer, partly paid, or fully paid, excepting those whose principal duties are clerical, such as stenographers, telephone operators and other officeworkers. Such firemen shall be regularly employed or in the case of volunteer shall be regularly enrolled as such.

50926. Whenever any fireman of a city, county, city and county, district, or other public or municipal corporation or political subdivision is injured, dies or is disabled from performing his duties as a fireman by reason of his proceeding to or engaging in a fire suppression or rescue operation, or the protection or preservation of life or property, anywhere in this state, including the local jurisdiction in which he is employed, but is not at the time acting under the immediate direction of his employer, he or his dependents, as the case may be, shall be accorded by his employer all of the same benefits of the

Workmen's Compensation Law, which he or they would have received had that fireman been acting under the immediate direction of his employer. Any injury, disability or death incurred under the circumstances described in this section shall be deemed to have arisen out of and been sustained in the course of employment for purposes of workmen's compensation and all other benefits.

50927. Nothing in this article shall be deemed to:

(a) Require the extension of any benefits to a fireman who at the time of his injury, death, or disability is acting for compensation from one other than the city, county, city and county, district, or other public or municipal corporation or political subdivision of his primary employment or enrollment.

(b) Require the extension of any benefits to a fireman employed by a city, county, city and county, district, or other public or municipal corporation or political subdivision which by charter, ordinance, or departmental regulation expressly prohibits the activity giving rise to the injury, disability or death, whether now in force or hereafter enacted or promulgated.

SEC. 2. This act is mandatory and self-executing. If any part thereof for any reason should be invalid, such invalidity shall not affect the remaining provisions hereof, the various provisions being separable. If this act should be held inapplicable to any class of cities or other local governmental entities, this shall not affect its application to the remainder of such cities or other governmental entities

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CHAPTER 143

An act to amend Section 252 of the Revenue and Taxation Code, relating to property tax exemptions.

[Approved by Governor May 27, 1969 Filed with Secretary of State May 27, 1969]

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

SECTION 1. Section 252 of the Revenue and Taxation Code is amended to read:

252. When making the first claim any person claiming the veterans' exemption, or the spouse, legal guardian, or conservator of such person, or one who has been granted a power of attorney by such person, shall appear before the assessor, shall give all information required and answer all questions in an affidavit prescribed by the State Board of Equalization, and shall subscribe and swear to the affidavit before the assessor. The assessor may require other proof of the facts stated before allowing the exemption. In subsequent years the person claiming the veterans' exemption, or the spouse, legal guardian, or conservator of such person, or one

who has been granted a power of attorney by such person, may file the affidavit under penalty of perjury by mail.

Where a claim is filed by a legal guardian or conservator of a person claiming the veterans' exemption, or one who has been granted a power of attorney by such claimant, the person filing the affidavit shall declare that he has sufficient knowledge of the financial affairs of the claimant to give all information required and answer all questions in the affidavit under penalty of perjury.

CHAPTER 144

An act to amend Section 136.5 of the Streets and Highways Code, relating to state highways, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 136.5 of the Streets and Highways Code is amended to read:

136.5. The contracts referred to in Sections 135 and 136 are not subject to the provisions of the State Contract Act. Whenever the total consideration of such a contract exceeds two thousand five hundred dollars ($2,500), it shall be awarded to the lowest responsible bidder, after competitive bidding on such reasonable notice as the department may prescribe, except in cases of emergency rental of tools or equipment as hereinafter provided. Posting of notice for five days in a public place in the district office of the Division of Highways within which the work is to be done, or the equipment used, is sufficient. Such contracts involving a consideration in excess of two thousand five hundred dollars ($2,500) shall be accompanied by labor and material bonds. The department may require faithful performance bonds when considered necessary. The advertisement for each contract shall state whether or not a bond shall be required. Where a faithful performance bond is required, labor and material bonds shall be required.

In cases of emergency work necessitated by the imminence or occurrence of a landslide, flood, storm damage, accident or other casualty, tools or equipment may be rented for a period of not to exceed 20 days without competitive bidding.

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 recent storms and floods occurring in various areas of the state have caused severe damage and destruction to essential highways, roads, and bridges, which, in many instances,

constitute the sole means of transportation in these areas. In order to expedite the restoration of these highways, roads, and bridges by permitting the Division of Highways to rent equipment essential to aid such restoration for a period up to 20 days without competitive bidding, it is necessary that this act go into effect immediately.

CHAPTER 145

An act to add Sections 673 and 674 to the Harbors and Navigation Code, relating to vessels.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 673 is added to the Harbors and Navigation Code, to read:

673. The owner of a boat livery shall cause to be kept a record of the name and address of the person or persons hiring any vessel required to be numbered under this code, the identification number of such vessel, the departure date and time, and the expected time of return. The record shall be preserved for at least six months.

SEC. 2. Section 674 is added to the Harbors and Navigation Code, to read:

674. Neither the owner of a boat livery nor his agent or employees shall permit any vessel to be delivered to a renter unless it shall have been provided, either by the owner or renter, with the equipment required pursuant to the applicable laws and regulations.

CHAPTER 146

An act to amend Section 652 of the Harbors and Navigation Code, relating to small boats.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 652 of the Harbors and Navigation Code is amended to read:

652. (a) Motorboats subject to the provisions of this chapter shall be divided into four classes as follows:

Class A. Less than 16 feet in length.

Class 1. Sixteen feet or over and less than 26 feet in length.

Class 2. Twenty-six feet or over and less than 40 feet in length.

Class 3. Forty feet or over.

(b) Every motorboat in all weathers from sunset to sunrise shall carry and exhibit the following lights when underway, and during such time no other lights which may be mistaken for those prescribed shall be exhibited:

(1) Every motorboat of classes A and 1 shall carry the following lights:

First. A bright white light aft to show all around the horizon.

Second. A combined lantern in the forepart of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.

(2) Every motorboat of classes 2 and 3 shall carry the following lights:

First. A bright white light in the forepart of the vessel as near the stem as practicable, so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the vessel; namely, from right ahead to two points aft the beam on either side.

Second. A bright white light aft to show all around the horizon and higher than the white light forward.

Third. On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side. The side light shall be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bow.

(3) Each motorboat of every class when propelled by sail alone shall carry only the combined lantern or separate side lights as appropriate to its class, and in addition, one white light at the stern so constructed that it shall show an unbroken light over an area of the horizon of 12 points of the compass so fixed as to show the light 6 points from right aft on each side of the vessel.

(4) Every white light prescribed by this section shall be of such character as to be visible at a distance of at least two miles. Every colored light prescribed by this section shall be of such character as to be visible at a distance of at least one mile. The word "visible" in this subsection, when applied to lights, shall mean visible on a dark night with clear atmosphere.

(5) When propelled by sail and machinery any motorboat shall carry the lights required by this section for a motorboat propelled by machinery only.

(6) The commission may exempt from compliance with the provisions of this subdivision any motorboat of one horsepower

or less rented by the owner of a boat livery, if the livery is being operated under a franchise from a city or county on waters where no other vessels are permitted.

(c) Any vessel may carry and exhibit the lights required by the International Regulations for Preventing Collisions at Sea, 1960, Federal Act of September 24, 1963 (33 U.S.C. 1051–1053, 1061–1094) as amended, in lieu of the lights required by subdivision (b) of this section.

(d) Every motorboat of class 1, 2, or 3 shall be provided with an efficient whistle or other sound-producing mechanical appliance.

(e) Every motorboat of class 2 or 3 shall be provided with an efficient bell.

(f) Every undocumented vessel shall carry at least one life preserver, or ring buoy, or other device of the sort prescribed by the regulations of the commission for each person on board, so placed as to be readily accessible; provided, that every undocumented vessel carrying passengers for hire shall carry so placed as to be readily accessible at least one life preserver of the sort prescribed by the regulations of the commission for each person on board. For the purposes of this subdivision, a person water skiing from such vessel shall be considered a person on board.

(g) Every motorboat shall be provided with such number, size, and type of fire extinguishers, capable of promptly and effectually extinguishing burning gasoline, as may be prescribed by the regulations of the commission, which fire extinguishers shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible.

(h) The provisions of subdivisions (d), (e) and (g) of this section shall not apply to motorboats while competing in any race or, if such boats be designed and intended solely for racing, while engaged in such navigation as is incidental to the tuning up of the boats and engines for the race.

(i) Every motorboat shall have the carburetor or carburetors of every engine therein, except outboard motors, using gasoline as fuel, equipped with such efficient flame arrestor, backfire trap, or other similar device as may be prescribed by the regulations of the commission.

(j) Every such motorboat and every such vessel, except open boats, using as fuel any liquid of a volatile nature, shall be provided with such means as may be prescribed by the regulations of the commission for properly and efficiently ventilating the bilges of the engines and fuel tank compartments so as to remove any explosive or inflammable gases.

(k) The commission may make rules and regulations modifying the equipment requirements contained in this section to the extent necessary to keep these requirements in conformity with the provisions of the federal navigation laws or with the navigation rules promulgated by the United States Coast Guard.

(*l*) The commission may establish and maintain for the operation of vessels on the waters of this state pilot rules in conformity with the pilot rules contained in the federal navigation laws or the navigation rules promulgated by the United States Coast Guard.

(m) No person shall operate or give permission for the operation of a vessel which is not equipped as required by this section or modification thereof.

CHAPTER 147

An act to amend Section 4228 of, and to add Section 4047.5 to, the Business and Professions Code, relating to pharmacy.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 4047.5 is added to the Business and Professions Code, to read:

4047.5. A pharmacist shall not dispense any prescription except in a container correctly labeled with the following:

(a) Except where the prescriber orders otherwise, the trade name of the drug, or if there is no trade name, the generic name and the name of the manufacturer. Commonly used abbreviations may be used. Preparations containing two or more active ingredients may be identified by a brand or commonly used name or the principal active ingredients.

(b) The directions for the use of the drug.

(c) The name of the patient.

(d) The name of the prescriber.

(e) The date of issue.

(f) The name and address and prescription number of the furnisher.

(g) The strength of the drug or drugs prescribed.

SEC. 2. Section 4228 of the Business and Professions Code is amended to read:

4228. (a) Except as provided in subdivision (b) of this section, no person shall dispense any dangerous drug upon prescription except in a container correctly labeled with the information required by Sections 4047.5 and 4048.

(b) Physicians, dentists, podiatrists and veterinarians may personally furnish any dangerous drug prescribed by them to the patient for whom prescribed, provided that such drug is properly labeled to show all information required in Sections 4047.5 and 4048 except the prescription number.

CHAPTER 148

An act to add Section 54932.1 to the Government Code, relating to city annexations, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 27, 1969 Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 54932.1 is added to the Government Code, to read:

54932.1. Notwithstanding any other provision of this chapter, any annexation by a city accomplished by an ordinance adopted prior to November 26, 1968, shall be effective for assessment and taxation purposes for the 1969–70 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 February 10, 1969.

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

Unless this act takes effect immediately, a city which has annexed territory and otherwise qualified 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 1969–70 fiscal year to cover the cost of services being furnished the territory.

CHAPTER 149

An act to amend Section 692 of the Code of Civil Procedure and to amend Section 780 of the Probate Code, relating to sales of real estate.

[Approved by Governor May 27, 1969 Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 692 of the Code of Civil Procedure is amended to read:

692. Before the sale of property on execution or under power contained in any deed of trust on real property or a leasehold estate therein or any mortgage on real property or a leasehold estate therein, notice thereof must be given as follows:

1. In case of perishable property: by posting written notice of the time and place of sale in three public places in the city where the property is to be sold, if the property is to be sold in a city, or, if not, then in three public places in the judicial district in which the property is to be sold, for such time as may be reasonable, considering the character and condition of the property.

2. In case of other personal property: by posting a similar notice in three public places in the city where the property is to be sold, if the property is to be sold in a city, or, if not, then in three public places in the judicial district in which the property is to be sold, for not less than 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. In addition to particularly describing the property, the notice may describe the property by giving its street address and other common designation, if any; but, a failure to do so does not affect the validity of the notice. The term newspaper of general circulation as used herein is as defined

in Article 1 (commencing with Section 6000) of Chapter 1, Division 7, Title 1 of the Government Code.

4. When the judgment under which the property is to be sold is made payable in a specified kind of money or currency, the several notices required by this section must state the kind of money or currency in which bids may be made at such sale, which must be the same as that specified in the judgment.

SEC. 2. Section 780 of the Probate Code is amended to read:

780. Notice of the time and place of sale of real property must be published pursuant to Section 6063a of the Government Code in a newspaper published in the county in which the land or some portion thereof lies, if there is one so published; if none, then in such paper as the court or judge may direct, prior to the day of sale, or, in the case of a private sale, prior to the day on or after which the sale is to be made. When, however, it appears from the inventory and appraisement that the value of the property to be sold does not exceed one thousand dollars ($1,000), the executor or administrator may in his discretion dispense with the publication, and in lieu thereof post a notice of the time and place of sale at the courthouse of the county in which the land or some portion thereof lies for 10 days prior to the day of the sale, or, in the case of a private sale, prior to the day on or after which the sale is to be made. The property proposed to be sold must be described with particularity in the notice. In addition to describing the property with particularity, the notice may describe the property by giving its street address and other common designation, if any; but, a failure to do so does not affect the validity of the notice.

CHAPTER 150

An act to amend Section 1360 of the Financial Code, relating to savings bank investments.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 1360 of the Financial Code is amended to read:

1360. An amount not exceeding in all 5 percent of the bank's savings deposits in 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 the bonds of any federal home loan bank established under said act, and in stocks, bonds, debentures, participations, and other obligations of or issued by the Federal National Mortgage Association and the Government National Mortgage Association; provided:

(a) An amount exceeding 25 percent of the paid-up capital and surplus of the savings bank or exceeding 1 percent of the bank's savings deposits, whichever is greater, may not be invested in the bonds of any one federal land bank, in the consolidated bonds of federal land banks, in the debentures of any one federal intermediate credit bank, in the consolidated debentures of federal intermediate credit banks, in the debentures of the Central Bank for Cooperatives, in the consolidated debentures of banks for cooperatives, in the bonds or debentures of the Federal Home Loan Bank Board, or in the bonds of any one federal home loan bank.

CHAPTER 151

An act to amend Section 459 of the Elections Code, relating to registration information.

[Approved by Governor May 27, 1969. Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 459 of the Elections Code is amended to read:

459. If the county clerk maintains tabulating cards containing the information set forth in the affidavits of registration of voters, or sets forth that information on electronic data-processing tape, he shall provide, not less than 30 days prior to each direct primary election and general election, one set of those cards or a copy of the tape to the county central committee of a party for all voters allowed to participate in the subsequent direct primary election or general election, if the committee has requested the same at least six months prior to the close of registration for the direct primary election or the general election. The cards or tape shall be provided without charge, except that the county central committee shall provide a replacement for the tape.

CHAPTER 152

An act to add Section 20527.6 to the Water Code, relating to irrigation districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 27, 1969 Filed with Secretary of State May 27, 1969.]

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

SECTION 1. Section 20527.6 is added to the Water Code, as follows:

20527.6. Notwithstanding Section 20527, or any other provision of law to the contrary, in the Camp Far West Irrigation District in Placer and Yuba Counties "elector" and "voter" shall mean a person, corporation, or other entity owning land within the district. At any district election in the Camp Far West Irrigation District, only landowners may vote, and they need not be residents of the district in order to qualify as voters. Each landowner shall have one vote for each dollar's worth of land to which he holds title. The last equalized assessment book of the district shall be conclusive evidence of ownership and of the value of the land so owned, except that in the event that an assessment for the district shall not have been made and levied for the year in which the election is held, the last equalized assessment roll of the county in which the land is located shall be used in lieu of the assessment book of the district. Where land is owned in joint tenancy, tenancy in common, or any other multiple ownership, the owners of such land may designate in writing which one of the owners shall be deemed the owner of such land for purposes of qualifying as a voter. In the absence of such designation each owner shall be entitled to vote his pro rata share of the total value of the land in such multiple ownership.

Every landowner, or the legal representative of a corporation, estate or trust owning land within the district, may vote at any district election, either in person or by a person duly appointed as his proxy.

As used in this section, "legal representative" means any of the following:

(a) An authorized official of a corporation owning land in the district.

(b) The trustees of an express trust which owns land in the district.

(c) The executor, administrator or guardian of the estate of a holder of title to land in the district who is appointed under the laws of this state, is entitled to possession of such

land, and who is authorized by the appointing court to vote in the election.

Before a legal representative votes at a district election, he shall present to the precinct board a certified copy of his authority, which shall be kept and filed with the returns of the election. No appointment of a proxy shall be valid, accepted or vote allowed thereon at any district election unless it meets all the following requirements:

(a) It is in writing.

(b) It is executed by the person or legal representative of the person who is entitled to the votes for which the proxy is given.

(c) It is acknowledged.

(d) It specifies the election at which it is to be used. An appointment of a proxy shall be used only at the election specified.

Every appointment of a proxy is revocable at the pleasure of the person executing it at any time before the person appointed as proxy shall have cast a ballot representing the votes for which the appointment was given.

SEC. 2. The provisions of this act are necessary because substantially all of the land within Camp Far West Irrigation District is owned by persons who are not residents of or registered voters within the district, and a substantial majority of the registered voters within the district own no land within the district. Most of those who are entitled to vote at district elections under the Irrigation District Law have no real interest in the affairs of the district, whereas the owners of most of the land within the district, who are primarily concerned with the affairs and support of the district, have no voice at district elections because they are nonresidents. This problem is not common to all districts formed under the Irrigation District Law. It is therefore declared that a general law cannot be made applicable and that the enactment of this act as a special law is necessary to resolve the inequitable and special problems existing in the Camp Far West Irrigation District.

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

It is essential that improvements in water and other services furnished to the area of the Camp Far West Irrigation District be brought about in the most expeditious manner and at the earliest possible time. Therefore, in order that the provisions of this act will be applicable to the general district election this year, for approval of the financing of such improvements, this act must go into effect immediately.

CHAPTER 153

An act to add Section 21264.6 to the Government Code, relating to retirement of patrol members, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 2, 1969. Filed with Secretary of State June 2, 1969.]

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

SECTION 1. Section 21264.6 is added to the Government Code, to read:

21264.6. Any provision of this article (commencing with Section 21250) imposing as a condition for payment of an allowance to a surviving wife that she have been married to the member for at least one year prior to retirement shall be deemed satisfied if the member was required to retire because of attainment of mandatory retirement age within one year following an amendment to the retirement law or the contracting agency's contract lowering the mandatory retirement age for his category of membership, and the surviving wife was married to the member on the date of such amendment.

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, in 1968, reduced the mandatory retirement age for highway patrolmen from 65 to 60, effective commencing in December of 1968. Certain patrolmen, who were married late in 1968, will be compelled to retire in the first part of 1969, and their wives will not receive benefits under the Public Employees Retirement Law unless the act takes effect immediately. It is essential, therefore, in order to eliminate this inequity, that this act take effect immediately.

CHAPTER 154

An act to amend Section 710 of the Code of Civil Procedure, relating to judgments.

[Approved by Governor June 4, 1969. Filed with Secretary of State June 4, 1969.]

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

SECTION 1. Section 710 of the Code of Civil Procedure is amended to read:

710. (a) Whenever a judgment for the payment of money is rendered by any court of this state against a defendant to whom money is owing and unpaid by this state or by any

county, city and county, city or municipality, quasi-municipality, district or public corporation, the judgment creditor may file a duly authenticated abstract or transcript of such judgment together with an affidavit stating the exact amount then due, owing and unpaid thereon and that he desires to avail himself of the provisions of this section in the manner as follows:

1. If such money, wages or salary is owing and unpaid by this state to such judgment debtor, said judgment creditor shall file said abstract or transcript and affidavit with the state department, board, office or commission owing such money, wages or salary to said judgment debtor prior to the time such state department, board, office or commission presents the claim of such judgment debtor therefor to the State Controller or to the State Personnel Board. Said state department, board, office or commission in presenting such claim of such judgment debtor to said State Controller shall note thereunder the fact that the filing of such abstract or transcript and affidavit and state the amount unpaid on said judgment as shown by said affidavit and shall also note any amounts advanced to the judgment debtor by, or which the judgment debtor owes to, the State of California by reason of advances for expenses or for any other purpose. Thereupon the State Controller, to discharge such claim of such judgment debtor, shall pay into the court which issued such abstract or transcript by his warrant or check payable to said court the whole or such portion of the amount due such judgment debtor on such claim, after deducting from such claim an amount sufficient to reimburse the state department, board, officer or commission for any amounts advanced to said judgment debtor or by him owed to the State of California, and after deducting therefrom an amount equal to one-half the salary or wages owing to the judgment debtor for his personal services to the state rendered at any time within 30 days next preceding the filing of such abstract or transcript, as will satisfy in full or to the greatest extent the amount unpaid on said judgment and the balance thereof, if any, to the judgment debtor.

2 If such money, wages or salary is owing and unpaid to such judgment debtor by any county, city and county, city or municipality, quasi-municipality, district or public corporation, said judgment creditor shall file said abstract or transcript and affidavit with the auditor of such county, city and county, city or municipality, quasi-municipality, district or public corporation (and in case there be no auditor then with the official whose duty corresponds to that of auditor). Thereupon said auditor (or other official) to discharge such claim of such judgment debtor shall pay into the court which issued such abstract or transcript by his warrant or check payable to said court the whole or such portion of the amount due on such claim of such judgment debtor, less an amount equal to one-half the salary or wages owing by the county, city and

county, city, municipality, quasi-municipality, district or public corporation to the judgment debtor for his personal services to such public body rendered at any time within 30 days next preceding the filing of such abstract or transcript, as will satisfy in full or to the greatest extent the amount unpaid on said judgment and the balance thereof, if any, to the judgment debtor.

(b) The judgment creditor upon filing such abstract or transcript and affidavit shall pay a fee of two dollars and fifty cents ($2.50) to the person or agency with whom the same is filed.

(c) Whenever a court receives any money hereunder, it shall pay as much thereof as is not exempt from execution under this code to the judgment creditor and the balance thereof, if any, to the judgment debtor. The procedure for determining the claim of exemption shall be governed by the procedure set forth in 690.26 of this code.

(d) In the event the moneys owing to a judgment debtor by any governmental agency mentioned in this section are owing by reason of an award made in a condemnation proceeding brought by the governmental agency, such governmental agency may pay the amount of the award to the clerk of the court in which such condemnation proceeding was tried, and shall file therewith the abstract or transcript of judgment and the affidavit filed with it by the judgment creditor. Such payment into court shall constitute payment of the condemnation award within the meaning of Section 1251 of this code. Upon such payment into court and the filing with the county clerk of such abstract or transcript of judgment and affidavit, the county clerk shall notify by mail, through their attorneys, if any, all parties interested in said award of the time and place at which the court which tried the condemnation proceeding will determine the conflicting claims to said award. At said time and place the court shall make such determination and order the distribution of the money held by the county clerk in accordance therewith.

(e) The judgment creditor may state in the affidavit any fact or facts tending to establish the identity of the judgment debtor. No public officer or employee shall be liable for failure to perform any duty imposed by this section unless sufficient information is furnished by the abstract or transcript together with the affidavit to enable him in the exercise of reasonable diligence to ascertain such identity therefrom and from the papers and records on file in the office in which he works. The word "office" as used herein does not include any branch or subordinate office located in a different city.

(f) Nothing in this section shall authorize the filing of any abstract or transcript and affidavit against any wages, or salary owing to the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, and Attorney General.

(g) Any fees received by a state agency under this section shall be deposited to the credit of the fund from which pay-

ments were, or would be, made on account of a garnishment under this section. For the purpose of this paragraph, payments from the State Pay Roll Revolving Fund shall be deemed payments made from the fund out of which moneys to meet such payments were transferred to said revolving fund.

CHAPTER 155

An act to add Title 7 (commencing with Section 1380.1) to Part 4 of Division 2 of, and to repeal Section 1060 of, the Civil Code, and to amend Sections 125 and 126 of the Probate Code, relating to powers of appointment.

[Approved by Governor June 4, 1969. Filed with Secretary of State June 4, 1969.]

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

SECTION 1. Title 7 (commencing with Section 1380.1) is added to Part 4 of Division 2 of the Civil Code, to read:

TITLE 7. POWERS OF APPOINTMENT

CHAPTER 1. GENERAL PROVISIONS

1380.1. Except to the extent that the common law rules governing powers of appointment are modified by statute, the common law as to powers of appointment is the law of this state.

1380.2. If the law existing at the time of the creation of a power of appointment and the law existing at the time of the release or exercise of the power or at the time of the assertion of a right given by this title differ, the law existing at the time of the release, exercise, or assertion of a right controls. Nothing in this section makes invalid a power of appointment created prior to July 1, 1970, that was valid under the law in existence at the time it was created.

CHAPTER 2. DEFINITIONS; CLASSIFICATION OF POWERS OF APPOINTMENT

1381.1. As used in this title:

(a) "Donor" means the person who creates or reserves a power of appointment.

(b) "Donee" means the person to whom a power of appointment is given or in whose favor a power is reserved.

(c) "Appointee" means the person in whose favor a power of appointment is exercised.

(d) "Permissible appointee" means a person in whose favor a power of appointment can be exercised.

(e) "Appointive property" means the property or interest in property which is the subject of the power of appointment.

(f) "Creating instrument" means the deed, will, trust agreement, or other writing or document that created or reserved the power of appointment.

1381.2. (a) A power of appointment is "general" only to the extent that it is exercisable in favor of the donee, his estate, his creditors, or creditors of his estate, whether or not it is exercisable in favor of others.

(b) A power to consume, invade, or appropriate property for the benefit of a person or persons in discharge of the donee's obligation of support which is limited by an ascertainable standard relating to their health, education, support, or maintenance is not a general power of appointment.

(c) A power exercisable by the donee only in conjunction with a person having a substantial interest in the appointive property which is adverse to the exercise of the power in favor of the donee, his estate, his creditors, and creditors of his estate is not a general power.

(d) All powers of appointment which are not "general" are "special."

(e) A power of appointment may be general as to some appointive property or an interest in or a specific portion of appointive property and be special as to other appointive property.

1381.3 (a) A power of appointment is "testamentary" if it is exercisable only by a will.

(b) A power of appointment is "presently exercisable" at the time in question to the extent that an irrevocable appointment can be made.

(c) A power of appointment is "not presently exercisable" if it is "postponed." A power is "postponed" if:

(1) The creating instrument provides that the power may be exercised only after a specified act or event occurs or condition is met, and such act or event has not occurred or the condition has not been met; or

(2) The creating instrument provides that an exercise of the power is revocable until a specified act or event occurs or condition is met, and such act or event has not occurred or the condition has not been met.

1381.4. A power of appointment is "imperative" when the creating instrument manifests an intent that the permissible appointees be benefited even if the donee fails to exercise the power. An imperative power can exist even though the donee has the privilege of selecting some and excluding others of the designated permissible appointees. All other powers of appointment are "discretionary." The donee of a discretionary power is privileged to exercise, or not to exercise, the power as he chooses.

Chapter 3. Creation of Powers of Appointment

1382.1. A power of appointment can be created only by a donor having the capacity to transfer the interest in property to which the power relates.

CHAPTER 4. EXERCISE OF POWERS OF APPOINTMENT

Article 1. Donee's Capacity

1384.1. (a) A power of appointment can be exercised only by a donee having the capacity to transfer the interest in property to which the power relates.

(b) Unless the creating instrument otherwise provides, a donee who is a minor may exercise a power of appointment only if:

(1) He is over the age of 18 years and exercises the power of appointment by a will; or

(2) He is deemed under Section 25 to be an adult person for the purpose of entering into any engagement or transaction respecting property or his estate.

Article 2. Scope of Donee's Authority

1385.1. (a) Except as otherwise provided in this title, if the creating instrument specifies requirements as to the manner, time, and conditions of the exercise of a power of appointment, the power can be exercised only by complying with those requirements.

(b) Unless expressly prohibited by the creating instrument, a power stated to be exercisable by an inter vivos instrument is also exercisable by a written will.

1385.2. If the creating instrument expressly directs that a power of appointment be exercised by an instrument which makes a specific reference to the power or to the instrument that created the power, the power can be exercised only by an instrument containing the required reference.

1385.3. (a) If the creating instrument requires the consent of the donor or other person to exercise a power of appointment, the power can only be exercised when the required consent is contained in the instrument of exercise or in a separate written instrument, signed in each case by the person or persons whose consents are required.

(b) Unless expressly prohibited by the creating instrument:

(1) If any person whose consent is required dies, the power may be exercised by the donee without the consent of such person.

(2) If any person whose consent is required becomes legally incapable of consenting, his guardian or conservator may consent on his behalf to an exercise of the power.

(3) A consent may be given before or after the exercise of the power by the donee.

1385.4. A power of appointment created in favor of two or more donees can only be exercised when all of the donees unite in its exercise. If one or more of the donees dies, becomes legally incapable of exercising the power, or releases the power, the power may be exercised by the others, unless expressly prohibited by the creating instrument.

1385.5. Nothing in this chapter affects the power of a court of competent jurisdiction to remedy a defective exercise of an imperative power of appointment.

Article 3. Donee's Required Intent

1386.1. (a) The exercise of a power of appointment requires a manifestation of the donee's intent to exercise the power.

(b) Such a manifestation exists where:

(1) The donee declares, in substance, that he exercises the specific power or all powers that he has.

(2) The donee purports to transfer an interest in the appointive property which he would have no power to transfer except by virtue of the power.

(3) The donee makes a disposition which, when considered with reference to the property he owned and the circumstances existing at the time of the disposition, manifests his understanding that he was disposing of the appointive property.

(c) The listing in subdivision (b) is illustrative, not exclusive.

1386.2. A general power of appointment exercisable at the death of the donee is exercised by a residuary clause or other general language in the donee's will purporting to dispose of the property of the kind covered by the power unless:

(a) The creating instrument requires that the donee make a specific reference to the power or to the instrument that created the power; or

(b) The donee manifests an intent, either expressly or by necessary inference, not to so exercise the power.

1386.3. If a power of appointment existing at the donee's death, but created after the execution of his will, is exercised by the will, the appointment is effective unless:

(a) The creating instrument manifests an intent that the power may not be exercised by a will previously executed; or

(b) The will manifests an intent not to exercise a power subsequently acquired.

Article 4. Types of Appointments

1387.1. (a) The donee of a general power of appointment may make an appointment:

(1) Of all of the appointive property at one time, or several partial appointments at different times, where the power is exercisable inter vivos.

(2) Of present or future interests or both.

(3) Subject to conditions or charges.

(4) Subject to otherwise lawful restraints on the alienation of the appointed interest.

(5) In trust.

(6) Creating a new power of appointment.

(b) The listing in subdivision (a) is illustrative, not exclusive.

1387.2. Subject to the limitations imposed by the creating instrument, the donee of a special power may make any of the types of appointment permissible for the donee of a general power under Section 1387.1.

1387.3. (a) Except as provided in subdivision (b), the donee of any special power of appointment may appoint the whole or any part of the appointive property to any one or more of the permissible appointees and exclude others.

(b) If the donor specifies either a minimum or maximum share or amount to be appointed to one or more of the permissible appointees, the exercise of the power must conform to such specification.

Article 5. Contracts to Appoint; Releases

1388.1. (a) The donee of a power of appointment that is presently exercisable, whether general or special, can contract to make an appointment to the same extent that he could make an effective appointment.

(b) The donee of a power of appointment cannot contract to make an appointment while the power of appointment is not presently exercisable. If a promise to make an appointment under such a power is not performed, the promisee cannot obtain either specific performance or damages, but he is not prevented from obtaining restitution of the value given by him for the promise.

1388 2. (a) Unless the creating instrument otherwise provides, any general or special power of appointment that is a discretionary power, whether testamentary or otherwise, may be released, either with or without consideration, by written instrument signed by the donee and delivered as provided in subdivision (c).

(b) Any releasable power may be released with respect to the whole or any part of the appointive property and may also be released in such manner as to reduce or limit the permissible appointees No partial release of a power shall be deemed to make imperative the remaining power that was not imperative before such release unless the instrument of release expressly so provides. No release of a power is permissible when the result of the release is the present exercise of a power that is not presently exercisable.

(c) A release shall be delivered as provided in this subdivision:

(1) If the creating instrument specifies a person to whom a release is to be delivered, the release shall be delivered to that person but delivery need not be made as provided in this paragraph if such person cannot with due diligence be found.

(2) In any case where the property to which the power relates is held by a trustee, the release shall be delivered to such trustee.

(3) In a case not covered by paragraph (1) or (2), the release may be delivered to any of the following:

(i) Any person, other than the donee, who could be adversely affected by the exercise of the power.

(ii) The county recorder of the county in which the donee resides or in which the deed, will, or other instrument creating the power is filed.

(d) This section does not impair the validity of any release made prior to July 1, 1970.

CHAPTER 5. EFFECT OF FAILURE TO MAKE EFFECTIVE APPOINTMENT

1389.1. An exercise of a power of appointment is not void solely because it is more extensive than authorized by the power but is valid to the extent that such exercise was permissible under the terms of the power.

1389.2. (a) Unless the creating instrument or the donee, in writing, manifests a contrary intent, where the donee dies without having exercised an imperative power of appointment either wholly or in part, the persons designated as permissible appointees shall take equally of the property not already appointed. Where the creating instrument establishes a minimum distribution requirement which is not satisfied by an equal division of the property not already appointed, the appointees who have received a partial appointment shall be required to return a pro rata portion of the property they would otherwise be entitled to receive in an amount sufficient to meet such a minimum distribution requirement.

(b) Where an imperative power of appointment has been exercised defectively, either wholly or in part, its proper execution may be adjudged in favor of the person or persons intended to be benefited by the defective exercise.

(c) Where an imperative power of appointment has been so created as to confer on a person a right to have the power exercised in his favor, its proper exercise can be compelled in favor of such person, his assigns, his creditors, or his guardian or conservator.

1389.3. (a) Except as provided in subdivisions (b) and (c), when the donee of a discretionary power of appointment fails to appoint the property, releases the entire power, or makes an ineffective appointment, in whole or in part, the appointive property not effectively appointed passes to the person or persons named by the donor as takers in default or, if there are none, reverts to the donor.

(b) Unless either the creating instrument or the instrument of appointment manifests a contrary intent, when the donee of a general power of appointment appoints to a trustee upon a trust which fails, there is a resulting trust in favor of the donee or his estate.

(c) Unless the creating instrument manifests a contrary intent, when the donee of a general power of appointment makes an ineffective appointment other than to a trustee upon a trust which fails, the appointive property passes to the

donee or his estate if the instrument of appointment manifests an intent to assume control of the appointive property for all purposes and not only for the limited purpose of giving effect to the expressed appointment.

1389.4. If an appointment by will or by instrument effective only at the death of the donee is ineffective because of the death of an appointee before the appointment becomes effective, the appointment is to be effectuated, if possible, by applying the provisions of Section 92 of the Probate Code as though the appointive property were the property of the donee except that the property shall pass only to persons who are permissible appointees.

CHAPTER 6. RIGHTS OF CREDITORS

1390.1 The donor of a power of appointment cannot nullify or alter the rights given creditors of the donee by Sections 1390.3 and 1390.4 by any language in the instrument creating the power.

1390.2. Property covered by a special power of appointment is not subject to the claims of creditors of the donee or of his estate or to the expenses of the administration of his estate.

1390.3. (a) To the extent that the property owned by the donee is inadequate to satisfy the claims of his creditors, property subject to a general power of appointment that is presently exercisable is subject to such claims to the same extent that it would be subject to such claims if the property were owned by the donee.

(b) Upon the death of the donee, to the extent that his estate is inadequate to satisfy the claims of creditors of the estate and the expenses of administration of the estate, property subject to a general testamentary power of appointment or to a general power of appointment that was presently exercisable at the time of his death is subject to such claims and expenses to the same extent that it would be subject to the claims and expenses if the property had been owned by the donee.

(c) This section applies whether or not the power of appointment has been exercised.

1390.4. Property subject to an unexercised general power of appointment created by the donor in favor of himself, whether or not presently exercisable, is subject to the claims of creditors of the donor or of his estate and to the expenses of the administration of his estate.

CHAPTER 7. RULE AGAINST PERPETUITIES

1391.1. The permissible period under the applicable rule against perpetuities with respect to interests sought to be created by an exercise of a power of appointment begins:

(a) In the case of an instrument exercising a general power of appointment presently exercisable by the donee alone, on the date the appointment becomes effective.

(b) In all other situations, at the time of the creation of the power.

1391.2. When the permissible period under the applicable rule against perpetuities begins at the time of the creation of a power of appointment with respect to interests sought to be created by an exercise of the power, facts and circumstances existing at the effective date of the instrument exercising the power shall be taken into account in determining the validity of interests created by the instrument exercising the power.

CHAPTER 8. REVOCABILITY OF CREATION, EXERCISE, OR RELEASE OF POWER OF APPOINTMENT

1392.1. (a) Unless the power to revoke is reserved in the instrument creating the power or exists pursuant to Section 2280, the creation of a power of appointment is irrevocable.

(b) Unless made expressly irrevocable by the creating instrument or the instrument of exercise, an exercise of a power of appointment is revocable if the power to revoke exists pursuant to Section 2280 or so long as the interest to the appointive property, whether present or future, has not been transferred or become distributable pursuant to such appointment.

(c) Unless the power to revoke is reserved in the instrument releasing the power, a release of a power of appointment is irrevocable.

SEC. 2. Section 1060 of the Civil Code is repealed.

SEC. 3. Section 125 of the Probate Code is amended to read:

125. Except as provided by Sections 1386.1 and 1386.2 of the Civil Code relating to powers of appointment, a devise or bequest of all the testator's real or personal property, in express terms, or in any other terms denoting his intent to dispose of all his real or personal property, passes all the real or personal property which he was entitled to dispose of by will at the time of his death.

SEC. 4. Section 126 of the Probate Code is amended to read:

126. Except as provided by Sections 1386.1 and 1386.2 of the Civil Code relating to powers of appointment, a devise of the residue of the testator's real property, or a bequest of the residue of the testator's personal property, passes all of the real or personal property, as the case may be, which he was entitled to devise or bequeath at the time of his death, not otherwise effectually devised or bequeathed by his will.

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

SEC. 6. This act shall become operative on July 1, 1970.

CHAPTER 156

An act to amend Section 3386 of the Civil Code, relating to the specific performance of contracts.

[Approved by Governor June 4, 1969. Filed with Secretary of State June 4, 1969.]

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

SECTION 1. Section 3386 of the Civil Code is amended to read:

3386. Notwithstanding that the agreed counterperformance is not or would not have been specifically enforceable, specific performance may be compelled if:

(a) Specific performance would otherwise be an appropriate remedy; and

(b) The agreed counterperformance has been substantially performed or its concurrent or future performance is assured or, if the court deems necessary, can be secured to the satisfaction of the court.

CHAPTER 157

An act to amend Sections 9502, 13443.5, and 19619 of, and to repeal Sections 3349, 3350, and 5603 of, the Education Code, relating to the public school system.

[Approved by Governor June 4, 1969. Filed with Secretary of State June 4, 1969.]

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

SECTION 1. Section 3349 of the Education Code is repealed.

SEC. 2. Section 3350 of the Education Code is repealed.

SEC. 3. Section 5603 of the Education Code is repealed.

SEC. 3.5. Section 9502 of the Education Code is amended to read:

9502. No charge shall be made to any school district or county superintendent of schools for state textbooks or teachers' manuals to be used in grades kindergarten through eight of the public schools, nor shall any charge be made to any pupil or teacher for the use of such textbooks or teachers' manuals.

SEC. 4. Section 13443.5 of the Education Code is amended to read:

13443.5. Whenever the governing board of any school district dismisses an employee pursuant to Section 13442 or gives notice to an employee that his services will not be required for the ensuing year pursuant to Section 13443, the governing board shall on or before September 1 of the next succeeding school year transmit to the State Department of Education a statement of the reasons for such dismissal or failure

to rehire. The statement of reasons should be a true and exact copy of the statement of cause for dismissal or reasons for dismissal given the employee under Section 13442 or 13443 if such a statement is given, and the governing board shall so certify.

The statement so transmitted to the State Department of Education shall be treated as confidential matter by the department. Such statements shall be referred to only to the extent necessary for accomplishment of the objectives of this section and shall be for all purposes the confidential property of the department.

The department shall prepare and maintain, from the statements so transmitted, a descriptive and statistical analysis, by category of causes or reasons of dismissal or failure to rehire, and shall report thereon to the Legislature each general session of the Legislature.

SEC. 5. Section 19619 of the Education Code is amended to read:

19619. 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.

CHAPTER 158

An act to add Section 54936 to the Government Code, relating to school districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 4, 1969. Filed with Secretary of State June 4, 1969.]

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

SECTION 1. Section 54936 is added to the Government Code, to read:

54936. Notwithstanding any other provision of this chapter, or of Sections 1703 and 1704 of the Education Code, in the case of a change of school district boundaries where an election on such question was held prior to November 15, 1968; the certificate of election results was filed with the board of supervisors prior to December 25, 1968; and the board of supervisors made its order changing the boundaries of the

district affected prior to February 15, 1969; such change of boundaries shall be deemed effective as of December 31, 1968 for assessment and taxation purposes and shall be effective for all purposes on July 1, 1969.

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

Unless this act takes immediate effect, certain school districts will be unable to levy taxes for the 1969–1970 fiscal year.

CHAPTER 159

An act to amend Section 2603 of the Elections Code, relating to elections.

[Approved by Governor June 4, 1969 Filed with Secretary of State June 4, 1969]

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

SECTION 1. Section 2603 of the Elections Code is amended to read:

2603. Upon receipt of the Governor's Proclamation, the board of supervisors shall either post in an appropriate place or shall cause a copy to be published in the county pursuant to Section 6061 of the Government Code at least 10 days before the election In case of special elections to fill a vacancy in the office of Representative in Congress, State Senator or Member of Assembly. upon receipt of the proclamation, the board of supervisors shall cause a copy to be published, as provided above, except that publication need not be made for a longer period than five days before the election.

CHAPTER 160

An act to amend Section 10231 of the Elections Code, relating to ballot measures.

[Approved by Governor June 4, 1969 Filed with Secretary of State June 4, 1969]

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

SECTION 1. Section 10231 of the Elections Code is amended to read:

10231. In a general election at which state, county, city, or other local measures are submitted to a vote of the voters, all state measures shall be numbered in numerical order, as provided in Section 10212 and shown in Section 10230, and all

county, city, or other local measures shall be designated by a letter, instead of a figure, printed on the left margin of the square containing the description of the measure, commencing with the letter "a" and continuing in alphabetical order, one letter for each such measure appearing on the ballot.

Where two or more counties or cities submitting measures to the voters are in close proximity, the clerks of such counties or cities, with permission of the boards of supervisors of those counties, or city councils of those cities, may mutually agree to use letter designations for ballot measures that will not conflict or confuse the voters.

CHAPTER 161

An act to amend Section 15805 of the Education Code, relating to school property.

[Approved by Governor June 4, 1969. Filed with Secretary of State June 4, 1969.]

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

SECTION 1. Section 15805 of the Education Code is amended to read:

15805. Any provision to the contrary notwithstanding, the governing board of any school district, other than a city school district with over 50,000 pupils in average daily attendance during the preceding fiscal year, may construct pedestrian walks, footbridges, and pedestrian tunnels when required for the safety of pupils attending the schools of the district, may acquire easements and rights-of-way for such purposes, and may appropriate money to acquire such easements and rights-of-way and to pay the cost and expense of the improvements, whether made by the board under contract executed by the board, or under contracts made in pursuance of any of the general laws of the state respecting street improvements, or under other contracts made in pursuance of the charter of any county or municipality. Such pedestrian walks, footbridges, and pedestrian tunnels shall be constructed, and such easements or rights-of-way for such purposes shall be acquired, within one mile of the school for the pupils of which such walks, bridges, and tunnels are necessary.

CHAPTER 162

An act to add Sections 2739 and 2754.1 to, and to amend Section 2741 of, the Public Utilities Code, relating to air carriers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 4, 1969. Filed with Secretary of State June 4, 1969.]

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

SECTION 1. Section 2739 is added to the Public Utilities Code, to read:

2739. The purpose of this chapter is to provide regulation of the transportation of passengers by air in common carriage within the State of California in order that an orderly, efficient, economical, and healthy intrastate passenger air network may be established to the benefit of the people of this state, its communities, and the state itself.

SEC. 2. Section 2754.1 is added to the Public Utilities Code, to read:

2754.1. Notwithstanding any other provision in this chapter, the commission shall issue a certificate of public convenience and necessity to any passenger air carrier as to the airports in this state between which it was actually operating in good faith and doing business as of April 1, 1969, and continuously thereafter, with or without hearing, provided application therefor shall have been filed with the commission on or before July 1, 1969. The passenger air carrier may continue operation until its application is either granted or denied by the commission.

SEC. 3. Section 2741 of the Public Utilities Code is amended to read:

2741. As used in this chapter, "passenger air carrier" means a person or corporation owning, controlling, operating, or managing aircraft as a common carrier of passengers for compensation between points within 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:

There are inadequacies and voids in the present statutes and it is necessary for the safety and well-being of intrastate air passengers that legislation and regulation be provided immediately to minimize the possibility of chaotic conditions in the industry.

CHAPTER 163

An act to amend Sections 43605, 45633, 45663 and 48214 of the Agricultural Code, relating to cantaloupe containers.

[Approved by Governor June 4, 1969. Filed with Secretary of State June 4, 1969.]

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

SECTION 1. Section 43605 of the Agricultural Code is amended to read:

43605 Standard containers numbers 41 to 44D, inclusive, are as follows:

Number	Name	Dimensions in inches Depth	Width	Length
41	Jumbo cantaloupe crate	13 or 13½	13	21⅞ or 22⅛
42	Cantaloupe crate	13½	13	22½
43	Cantaloupe container	9 or 9½	13	21⅞ or 22
44	Cantaloupe container	9 or 10	13	22 or 22⅜
44B	Cantaloupe—2-compartment container	5½	9⅛	21⅜ or 21⅝
44D	Cantaloupe container	9¾ to 10	12¾ to 13	16¾ to 17

Container number 41, which has a depth of 13½ inches, shall be standard only if the maximum bulge of the lid, when tightly nailed in place, does not exceed $\frac{25}{32}$ of an inch measured from the top of the lid slat to the high point of the outside top of the bulge, which is normally at the center of the lid. Not more than 10 percent, by count, of such containers in any lot may, however, have a bulge which exceeds the $\frac{25}{32}$ of an inch bulge which is described in this paragraph.

Container number 44B shall be standard only if it complies with all of the following requirements:

(a) It is made as one container.

(b) Each container has two compartments.

(c) Each compartment has the dimensions which are specified as standard for container 44B in this section.

(d) The maximum inside width of the combined two compartments, including the center divider, does not exceed 19⅛ inches.

The depth shall be measured from the bottom floor of the compartment to the underside of the overflap. The width shall be measured across the approximate geometrical center, with the inside drape pieces pressed firmly in place as though cantaloupes were tightly packed in the compartment.

Container 44B shall be considered standard if used without being closed.

SEC. 2. Section 45633 of the Agricultural Code is amended to read:

45633. The following counts of cantaloupes which are packed, are standard packs for the respective standard containers as follows.

Standard pack counts	Container number	Standard container name
18, 23, 27, 36, 41, 45, 56, 64, or 72	41	Jumbo cantaloupe crate
18, 23, 27, 36, 41, 45, 56, 64, or 72	42	Cantaloupe crate
12, 15, 18, 24, or 30	43	Cantaloupe container
12, 15, 18, 24, or 30	44	Cantaloupe container
10, 12, 16, or 20	44B	Cantaloupe two-compartment container.

SEC. 3. Section 45663 of the Agricultural Code is amended to read:

45663. All cantaloupes shall be packed in regular compact arrangement in standard container number 41, 42, 43, 44, 44B, or 44D. All such containers shall be closed and, except as otherwise provided in Section 45664, the number of cantaloupes in each container shall be one of the "standard pack counts" which is listed in Section 45633 for each such container.

This section does not apply to any of the following:

(a) Cantaloupes which are in a retail establishment in possession of a retailer for the purpose of resale directly to consumers.

(b) Cantaloupes which are sold by a producer regularly engaged in the production of cantaloupes directly to consumers on the premises where produced or at a retail stand operated by such producer near the point of production, which in no case shall be outside of the county in which the cantaloupes were produced.

SEC. 4. Section 48214 of the Agricultural Code is amended to read:

48214. In addition to the provisions of Section 48213, honeyball melons may be packed in standard container number 41.

CHAPTER 164

An act to amend Section 12919 of the Business and Professions Code, relating to the baling of hay.

[Approved by Governor June 4, 1969. Filed with Secretary of State June 4, 1969.]

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

SECTION 1. Section 12919 of the Business and Professions Code is amended to read:

12919. Hay shall be sold by avoirdupois weight and a ton shall consist of 2,000 pounds net weight, except that hay in lots of less than one ton may be sold by the bale.

CHAPTER 165

An act to amend Section 14306 and Section 14218 as proposed by Assembly Bill No. 1728 of the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor June 6, 1969. Filed with Secretary of State June 6, 1969.]

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

SECTION 1. Section 14306 of the Education Code is amended to read:

14306. (a) If the last day of a member's service was rendered prior to July 1, 1935, he shall have the right to make application for retirement, only after rendering additional service in a status requisite for membership in this system, of not less than two years, after June 30, 1950.

(b) Subdivision (a) of this section shall not be applicable if a member rendered at least three schooldays of service on or after July 1, 1935, and prior to July 1, 1950, even though compensation for such service was not paid out of any public funds, and if such person taught for 15 years or more before July 1, 1935.

(c) Insofar as subdivision (b) of this section creates any rights to a retirement allowance under this chapter, such allowance shall only be payable for periods commencing with the effective date of the addition of subdivision (b) to this section.

SEC. 2. Section 14218 of the Education Code as proposed by Assembly Bill No. 1728 is amended to read:

14218. (a) If the last day of a member's service was rendered prior to July 1, 1935, he shall have the right to make application for retirement, only after rendering additional service in a status requisite for membership in this system, of not less than two years, after June 30, 1950.

(b) Subdivision (a) of this section shall not be applicable if a member rendered at least three schooldays of service on or after July 1, 1935, and prior to July 1, 1950, even though compensation for such service was not paid out of any public funds, and if such person taught for 15 years or more before July 1, 1935.

(c) Insofar as subdivision (b) of this section creates any rights to a retirement allowance under this chapter, such allowance shall only be payable for periods commencing with the effective date of the addition of subdivision (b) to this section.

SEC. 3. Section 2 of this act shall become operative only if Section 14218 of the Education Code as proposed by Assembly Bill No. 1728 is enacted by the Legislature at its 1969 Regular Session, and in such case at the same time as Assembly Bill No. 1728 takes effect; at which time Section 14306 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 166

An act to add Section 75090.2 to the Government Code, relating to the Judges' Retirement Law.

[Approved by Governor June 6, 1969. Filed with Secretary of State June 6, 1969.]

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

SECTION 1. Section 75090.2 is added to the Government Code, to read:

75090.2. Any person who is a judge on the effective date of this section may elect to come within the provisions of this article on or before 30 days after the effective date of this section, provided he pays into the Judges' Retirement Fund a sum equal to the amount which would have been deducted from his salary under Section 75092 had he made the election within the applicable time limitation in Section 75090 as it read prior to the effective date of this section.

CHAPTER 167

An act to amend Section 2419 of the Vehicle Code, relating to replacement of flares.

[Approved by Governor June 6, 1969. Filed with Secretary of State June 6, 1969.]

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

SECTION 1. Section 2419 of the Vehicle Code is amended to read:

2419. (a) Any member of the California Highway Patrol may give flares to any person as replacement for flares used by such person to warn traffic of an accident or other hazardous condition on a highway, provided such person was not required by law to give such warning, or was not involved in the accident or the creation of the hazardous condition. The officer shall not replace such flares unless he is reasonably satisfied that such person in fact placed the flares for which replacement is requested.

(b) Notwithstanding any other provision of law, the person requesting replacement of flares shall not be required to file any claim for such flares.

CHAPTER 168

An act to amend Sections 600 and 21101 of the Vehicle Code, relating to highways.

[Approved by Governor June 9, 1969. Filed with Secretary of State June 10, 1969.]

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

SECTION 1. Section 600 of the Vehicle Code is amended to read:

600. A "through highway" is a highway or portion thereof at the entrance to which vehicular traffic from intersecting highways is regulated by stop signs or traffic control signals or is controlled when entering on a separated right-turn roadway by a yield-right-of-way sign.

SEC. 2 Section 21101 of the Vehicle Code is amended to read:

21101. Local authorities may adopt rules and regulations by ordinance or resolution on the following matters:

(a) Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specified direction.

(b) Closing any highway to vehicular traffic when in the opinion of the legislative body having jurisdiction the highway is no longer needed for vehicular traffic.

(c) Designating any highway as a through highway and requiring that all vehicles observe official traffic control devices before entering or crossing the same or designating any intersection as a stop intersection and requiring all vehicles to stop at one or more entrances to the intersection.

(d) Prohibiting the use of particular highways by certain vehicles, except as otherwise provided by the Public Utilities Commission pursuant to Article 2 (commencing with Section 1031) of Chapter 5 of Part 1 of Division 1 of the Public Utilities Code.

(e) Closing particular streets during regular school hours for the purpose of conducting automobile driver training programs in the secondary schools and colleges of this state.

(f) Temporarily closing a portion of any street for celebrations, parades, local special events, and other purposes when in the opinion of local authorities having jurisdiction such closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing.

SEC. 3. Section 21101 of the Vehicle Code is amended to read:

21101. Local authorities may adopt rules and regulations by ordinance or resolution on the following matters:

(a) Closing any highway to vehicular traffic when in the opinion of the legislative body having jurisdiction the highway is no longer needed for vehicular traffic.

(b) Designating any highway as a through highway and requiring that all vehicles observe official traffic control devices before entering or crossing the same or designating any intersection as a stop intersection and requiring all vehicles to stop at one or more entrances to the intersection.

(c) Prohibiting the use of particular highways by certain vehicles, except as otherwise provided by the Public Utilities

Commission pursuant to Article 2 (commencing with Section 1031) of Chapter 5 of Part 1 of Division 1 of the Public Utilities Code.

(d) Closing particular streets during regular school hours for the purpose of conducting automobile driver training programs in the secondary schools and colleges of this state.

(e) Temporarily closing a portion of any street for celebrations, parades, local special events, and other purposes when in the opinion of local authorities having jurisdiction such closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing.

SEC. 4. It is the intent of the Legislature, if amendments to Section 21101 of the Vehicle Code proposed by both this bill and A.B. 373 are enacted, that both amendments be given effect and incorporated in Section 21101 in the form set forth in Section 3 of this act. Therefore, in the event A.B. 373 is enacted and amends Section 21101, Section 3 of this act shall become operative at the same time that Section 21101 as amended by A.B. 373 becomes operative, and at that time, Section 21101 of the Vehicle Code as amended by Section 2 of this act is repealed.

CHAPTER 169

An act to amend Section 27454 of the Vehicle Code, relating to protuberances on tires, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 9, 1969. Filed with Secretary of State June 10, 1969.]

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

SECTION 1. Section 27454 of the Vehicle Code is amended to read:

27454. No tire on any vehicle upon any state highway shall have on its periphery any block, stud, flange, cleat, ridge, bead, or any other protuberance of metal or wood which projects beyond the tread of the traction surface of the tire.

This section does not apply to the following:

(a) Tire chains of reasonable size used to prevent skidding when upon wet surfaces or when upon snow or ice.

(b) Pneumatic tires which have embedded therein wire not to exceed 0.075 inches in diameter and which are so constructed that under no conditions will the percentage of metal in contact with the roadway exceed 5 percent of the total tire area in contact with the roadway, except that during the first 1,000 miles of use or operation of any such tire, the metal in contact with the roadway may exceed 5 percent of the tire area in contact with the roadway, but shall in no event exceed 20 percent of such area.

(c) Vehicles operated upon unimproved roadways when necessary in the construction or repair of highways.

(d) Traction engines or tractors when operated under the conditions of a permit first obtained from the Department of Public Works.

(e) Pneumatic tires containing metal-type studs of tungsten carbide or other suitable material and which are so inserted or constructed that under no conditions will the number of studs or the percentage of metal in contact with the roadway exceed 3 percent of the total tire area in contact with the roadway, between the first day of October and the first day of May. This subdivision shall remain in effect until May 1, 1975, and shall have no force or effect after that date.

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

Pneumatic tires containing metal-type studs are used extensively by motor vehicle owners and operators for driving on snow and ice encountered in the snow and mountainous areas of the state. Motor vehicles equipped with these special tires are substantially safer for driving under such adverse conditions and in order that such equipment may continue to be lawfully used it is necessary that this act go into immediate effect.

CHAPTER 170

An act to amend Section 10012.5 of the Elections Code, relating to election campaigns.

[Approved by Governor June 9, 1969 Filed with Secretary of State June 10, 1969]

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 statement of each candidate shall be printed in type of uniform size and darkness, and with uniform spacing.

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

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

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

CHAPTER 171

An act to add Section 54932.2 to the Government Code, relating to highway lighting districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 9, 1969 Filed with Secretary of State June 10, 1969]

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

SECTION 1. Section 54932.2 is added to the Government Code, to read:

54932.2. Notwithstanding any other provision of this chapter, any formation of a highway lighting district formed under Part 4 (commencing with Section 19000) of Division 14 of the Streets and Highways Code shall be effective for assessment and taxation purposes for the 1969–1970 fiscal year, if the statement and map or plat required by Sections 54900 and 54901 were filed with the State Board of Equalization on or before March 1, 1969.

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

Unless this act takes effect immediately highway lighting districts formed after January 1, 1969 will be unable to levy taxes for the 1969–1970 fiscal year.

CHAPTER 172

An act to amend Sections 68097.1 and 68097.2 of the Government Code, relating to court appearances by marshals.

[Approved by Governor June 9, 1969. Filed with Secretary of State June 10, 1969.]

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

SECTION 1. Section 68097.1 of the Government Code is amended to read:

68097.1. Whenever a member of the California Highway Patrol, sheriff, deputy sheriff, marshal, deputy marshal or city policeman is required as a witness before any court or other tribunal in any civil action or proceeding in connection with a matter regarding an event or transaction which he has perceived or investigated in the course of his duties, a subpoena requiring his attendance may be served by delivering a copy either to such member personally or to his immediate superior. The attendance of a member of the California Highway Patrol, sheriff, deputy sheriff, marshal, deputy marshal or city policeman may be required pursuant to this section only in accordance with the provisions of Section 1989 of the Code of Civil Procedure.

As used in this section and in Sections 68097.2 and 68097.5, "tribunal" means any person or body before whom or which attendance of witnesses may be required by subpoena, including an arbitrator in arbitration proceedings.

SEC. 2. Section 68097.2 of the Government Code is amended to read:

68097.2. Any member of the California Highway Patrol, sheriff, deputy sheriff, marshal, deputy marshal or city policeman who is obliged by a subpoena issued pursuant to Section 68097.1 to attend as a witness, shall receive the salary or other compensation to which he is normally entitled from the public entity by which he is employed during the time that he travels to and from the place where the court or other tribunal is located and while he is required to remain at such place pursuant to such subpoena. He shall also receive from the public entity by which he is employed the actual necessary and reasonable traveling expenses incurred by him in complying with such subpoena.

The party at whose request such subpoena is issued shall reimburse the public entity the amount of twenty-five dollars ($25) per day for each day that such officer is required to remain in attendance pursuant to such subpoena. The amount of twenty-five dollars ($25) shall be deposited with the clerk of the court or with the tribunal prior to the issuance of a subpoena pursuant to this section

CHAPTER 173

An act to amend Sections 1074 and 3575 of the Public Utilities Code, relating to highway carriers.

[Approved by Governor June 9, 1969. Filed with Secretary of State June 10, 1969.]

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

SECTION 1. Section 1074 of the Public Utilities Code is amended to read:

1074. Every highway common carrier, cement carrier and every petroleum irregular route carrier who engages subhaulers or leases equipment from employees shall file with the commission a bond, the amount of which shall be determined by the commission but which shall be not less than two thousand dollars ($2,000), executed by a qualified surety insurer, subject to the approval of the commission, which bond shall secure the payment of the claims of subhaulers and employee-lessors of the highway common carrier, cement carrier or petroleum irregular route carrier. The aggregate liability of the surety for all such claims shall, in no event, exceed the sum of such bond

SEC. 2. Section 3575 of the Public Utilities Code is amended to read:

3575. Every highway contract carrier, cement contract carrier and every radial highway common carrier who engages subhaulers or leases equipment from employees shall file with the commission a bond, the amount of which shall be determined by the commission but which shall be not less than two thousand dollars ($2,000), executed by a qualified surety insurer, subject to the approval of the commission, which bond shall secure the payment of the claims of subhaulers and employee-lessors of the highway carrier; provided, however, that the aggregate liability of the surety for all such claims shall, in no event, exceed the sum of such bond.

CHAPTER 174

An act to amend Section 26 of the Embarcadero Municipal Improvement District Act of 1960 (Chapter 81, Statutes of 1960, First Extraordinary Session), relating to general administrative provisions.

[Approved by Governor June 9, 1969. Filed with Secretary of State June 10, 1969.]

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

SECTION 1. Section 26 of the Embarcadero Municipal Improvement District Act of 1960 (Chapter 81, Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 26. The board is the governing body of the district and, commencing with the last Friday in December 1969, shall consist of five (5) members, one of whom shall be president. The officers of the district are the five members of the board and a secretary. The district may have a finance officer, and other officers as the board may from time to time create.

CHAPTER 175

An act to amend Section 34045 of the Vehicle Code, relating to registration fees, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 10, 1969. Filed with Secretary of State June 10, 1969.]

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

SECTION 1. Section 34045 of the Vehicle Code is amended to read:

34045. (a) The original and renewal fee for registration of a cargo tank issued pursuant to this division for any biennial period commencing before January 1, 1970 shall be as set forth in the following table, in accordance with the volumetric capacity.

Total capacity gallons	Fee
From 120 to and including 500	$10
From 500 to and including 6,000	20
More than 6,000	30

(b) The original and renewal fee for the registration of a cargo tank for any biennial period commencing on or after January 1, 1970 shall be twenty-five dollars ($25).

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

In order to place this program on a fiscally sound, self-supporting basis, it is necessary to adjust the original and renewal fee for registration of a cargo tank. Because applications for biennial renewal of cargo tanks is required to be made on or before November 1, 1969, and it is not certain when statutes enacted at the 1969 Regular Session will become effective it is essential that this act go into immediate effect.

CHAPTER 176

An act to amend Sections 47691, 47692, and 47693 of the Agricultural Code, relating to grape maturity standards, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 10, 1969. Filed with Secretary of State June 10, 1969.]

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

SECTION 1. Section 47691 of the Agricultural Code is amended to read:

47691. Except as otherwise provided in Sections 47692 and 47693, "mature" means that a variety of grapes tests not less than 16½ percent soluble solids in juice, as determined by the standard hand refractometer.

SEC. 2. Section 47692 of the Agricultural Code is amended to read:

47692. The following varieties of grapes shall be considered mature if they test not less than that percent of soluble solids which is specified below:

Percent of soluble solids	Variety	
17½	All white varieties of Muscat type	
	Malaga grown north and west of San Gorgonio Pass	
17	Thompson Seedless grown north and west of San Gorgonio Pass	
15½	Beauty Seedless grown south and east of San Gorgonio Pass	
	Cardinal grown north and west of San Gorgonio Pass	
	Robin grown north and west of San Gorgonio Pass	
	Burger	Fresno Beauty
	Emperor	Servian Blue
	Gros Colman	Pierce
	Bleu Grau	Concord
	Drodelabi	Dattier de Beyrouth
	Red Malaga	Pierce Isabella
	Khalili	Isabella Regia
	Persian 23	California Concord
	Dizmar	Perlette
	Ribier	Queen
	Delight	Blackrose
14½	Cardinal grown south and east of San Gorgonio Pass	
	Robin grown south and east of San Gorgonio Pass	
	Ladyfinger	Khandahar
	Rish Baba	Olivette Blanche
14	Exotic	

It is hereby declared that the differences in climatic condition that exist north and west of San Gorgonio Pass cause

Malaga, Thompson Seedless, Beauty Seedless, Robin, and Cardinal varieties of grapes which are grown there to have, at maturity, a higher percentage of soluble solids than mature grapes of these varieties which are grown south and east of San Gorgonio Pass.

This section shall apply to Robin variety of grapes only when shipped in containers specifically marked with a statement that the grapes are of that variety only.

SEC. 3. Section 47693 of the Agricultural Code is amended to read:

47693. Any variety of grapes which are in group A, as defined in Article 3 (commencing with Section 47661) of this chapter, except the Thompson Seedless and Perlette varieties, shall also be considered mature if the juice contains soluble solids equal to or in excess of 20 parts to every part of acid contained in the juice (the acidity of the juice to be calculated as tartaric acid without water of crystallization).

The Thompson Seedless variety shall be considered mature if the juice contains not less than 15 percent soluble solids, and the Perlette variety shall be considered mature if the juice contains not less than 14 percent soluble solids, provided the juice so tested for both varieties shall also contain soluble solids equal to or in excess of 20 parts to every part acid contained in the juice.

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

In order that the provisions of this act may be in effect early enough to enable the proper marketing of grapes this year, it is essential that this act go into immediate effect.

CHAPTER 177

An act to amend Section 702 of the Probate Code, relating to creditors' claims.

[Approved by Governor June 10, 1969 Filed with Secretary of State June 10, 1969]

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

SECTION 1. Section 702 of the Probate Code is amended to read:

702. An affidavit showing due publication of the notice must be filed with the clerk within 30 days after the completion of the publication. The affidavit shall contain a copy of the notice and shall state the date of its first publication. Final distribution shall not be decreed unless it is shown that notice to creditors has been duly given. If the affidavit is not filed until after such 30-day period, the time to file or present

claims shall be extended for a period equal to the period of default in such filing, but not to exceed four months from the date of such filing.

CHAPTER 178

An act to amend Section 26837 of the Government Code, relating to county clerk fees.

[Approved by Governor June 10, 1969 Filed with Secretary of State June 10, 1969]

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

SECTION 1. Section 26837 of the Government Code is amended to read:

26837. For comparing with the original on file in the office of the county clerk or clerk of a municipal court, the copy of any paper, record, or proceeding prepared by another and presented for his certificate, the fee is thirty cents ($0.30) a page, in addition to the fee for his certificate.

CHAPTER 179

An act to amend Sections 6506, 6510.6 6553, 6559.1, and 6564 of, and to add Sections 6416, 6510.7, 6511.1, 6559.2, and 11212 to, the Financial Code, relating to savings and loan associations, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 10, 1969 Filed with Secretary of State June 10, 1969]

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

SECTION 1. Section 6416 is added to the Financial Code, to read:

6416. Notwithstanding any provision of this code to the contrary, any association may refer to its withdrawable shares or investment certificates as savings deposits, and any association may refer to dividends paid or to be paid on its withdrawable shares as interest.

SEC. 2. Section 6506 of the Financial Code is amended to read:

6506. Shares may be issued as fully paid shares, installment shares, accumulative shares, prepaid shares, minimum term shares, or savings shares. Different rates of return may be paid on different classes of shares; provided that nothing herein shall be deemed to prevent any association from paying different rates of return on different savings shares issued with or without passbooks or from paying a lesser rate of

return on that portion of the value of a share below an amount fixed by the commissioner.

SEC. 3. Section 6510.6 of the Financial Code is amended to read:

6510.6. Savings shares are shares designated as such. Without regard to any other provision of law, a savings share issued without a passbook may contain a provision for a definite rate of return thereon and may be issued with a maximum maturity date of five years from the date of issue; provided that nothing herein shall be deemed to prohibit the renewal of any matured savings share. Without regard to any other provision of law, a savings share shall be in one of the following forms or such other form as the commissioner may approve, and need contain no other recitals, except that in the case of a savings share issued with passbook, the passbook shall contain a record of transactions relating to the account:

1. Form of savings share issued with passbook:

"This certifies that _____ holds a savings share in _____ subject to the laws of the State of California, and to the articles of incorporation and bylaws of the association."

2. Form of savings share issued without passbook (providing for definite rate of return):

"$_____

"This certifies that _____ holds a savings share, in the amount shown hereon, in _____, subject to the laws of the State of California, and to the articles of incorporation and bylaws of the association, and is entitled to be paid the amount hereof plus dividends at the rate of _____ percent per annum from the date hereof to the date of maturity which is _____."

3. Form of savings share issued without passbook (not providing for definite rate of return):

"$_____

"This certifies that _____ holds a savings share, in the amount shown hereon, in _____, subject to the laws of the State of California, and to the articles of incorporation and bylaws of the association."

SEC. 4. Section 6510.7 is added to the Financial Code, to read:

6510.7. No notice of intention to withdraw may be given with respect to a savings share providing for a definite rate of return prior to the maturity date of such share. Subject to the regulations of the commissioner, an association may permit withdrawal of such shares, in whole or in part, prior to maturity, and may reduce the amount of dividends payable on the amount so withdrawn.

SEC. 5. Section 6511.1 is added to the Financial Code, to read:

6511.1. An association may provide that withdrawable shares are not subject to retirement for an initial period after the issuance thereof, which initial period shall not exceed one

year, or such longer period as the commissioner by regulation may prescribe.

SEC. 6. Section 6553 of the Financial Code is amended to read:

6553. Investment certificates may be issued as full paid investment certificates, installment investment certificates, accumulative investment certificates, minimum term investment certificates, prepaid investment certificates, or savings certificates. Different rates of return may be paid on different classes of investment certificates; provided that nothing herein shall be deemed to prevent any association from paying different rates of return on different savings certificates issued with or without passbooks or from paying a lesser rate of return on that portion of the value of a certificate below an amount fixed by the commissioner.

SEC. 7. Section 6559.1 of the Financial Code is amended to read:

6559.1. A savings certificate is an investment certificate designated as such. Without regard to any other provision of law, a savings certificate issued without a passbook may contain a provision for a definite rate of return thereon and may be issued with a maximum maturity date of five years from the date of issue, provided that nothing herein shall be deemed to prohibit the renewal of any matured savings certificate. Without regard to any other provision of law, a savings certificate shall be in one of the following forms or such other form as the commissioner may approve, and need contain no other recitals, except that in the case of a savings certificate issued with passbook, the passbook shall contain a record of transactions relating to the account:

1. Form of savings certificate issued with passbook:

"This certifies that _____ holds a savings certificate in _____ subject to the laws of the State of California, and to the articles of incorporation and bylaws of the association."

2. Form of savings certificate issued without passbook (providing for definite rate of return):

"$_____

"This certifies that _____ holds a savings certificate in the amount shown hereon in _____, subject to the laws of the State of California and to the articles of incorporation and bylaws of the association, and is entitled to be paid the amount hereof plus interest at the rate of _____ percent per annum from the date hereof to the date of maturity which is _____."

3. Form of savings certificate issued without passbook (not providing for definite rate of return):

"$_____

"This certifies that _____ holds a savings certificate in the amount shown hereon in _____, subject to the laws of the State of California and to the articles of incorporation and bylaws of the association."

SEC. 8. Section 6559.2 is added to the Financial Code, to read:

6559.2. No notice of intention to withdraw may be given with respect to a savings certificate providing for a definite rate of return prior to the maturity date of such certificate. Subject to the regulations of the commissioner, an association may permit withdrawal of amounts evidenced by such certificates in whole or in part, prior to maturity and may reduce the amount of interest payable on the amount so withdrawn.

SEC. 9. Section 6564 of the Financial Code is amended to read:

6564. An association may provide that investment certificates are not subject to redemption for an initial period after the issuance thereof, which initial period shall not exceed one year, or longer period as the commissioner by regulation may prescribe.

SEC. 10. Section 11212 is added to the Financial Code, to read:

11212. The terms "share," "share account," "account" and "savings account" when used in this code or any other statutory provision with respect to federal savings and loan associations, shall be deemed to include savings deposits issued by such associations.

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:

Provisions of similar import to those contained in Sections 1 through 5 of this act have been added to the federal law and will apply to federal savings and loan associations on and after June 1, 1969. Unless this act is made effective immediately and operative as of this time, an anomalous situation will arise with respect to the state and federally regulated savings and loan association industry doing business in this state. In order to prevent such a situation from occurring, it is necessary that this act go into immediate effect.

CHAPTER 180

An act to add Part 12 (commencing with Section 100000) to Division 10 of the Public Utilities Code, to amend Sections 6052.5, 7056, 7252, 7273, and 32010 of, and to add Section 7272.5 to, the Revenue and Taxation Code, relating to Transit Districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 12, 1969. Filed with Secretary of State June 12, 1969.]

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

SECTION 1. Part 12 (commencing with Section 100000) is added to Division 10 of the Public Utilities Code, to read:

PART 12. SANTA CLARA COUNTY TRANSIT DISTRICT

CHAPTER 1. TITLE OF ACT AND POLICY

100000. This part shall be known and may be cited as the "Santa Clara County Transit District Act."

100001. It is necessary that a transit district be established in the County of Santa Clara in order to meet the public transit problems of that county. Because there is no general law under which such a district could be formed, the adoption of a special act and the formation of a special district is required

CHAPTER 2. DEFINITIONS

100010. Unless the context otherwise requires, the provisions of this chapter govern the construction of this part.

100011. "District" means the Santa Clara County Transit District.

100012. "Transit" means the transportation of passengers and their incidental baggage by any means.

100013. "Transit works" or "transit facilities" means any or all real and personal property, equipment, rights or interests owned or to be acquired by the district for transit service or purposes.

100014. "Board of supervisors," "board," or "supervisors" means the board of supervisors of the district.

100015. "County" means the County of Santa Clara.

100016. "Public agency" includes the State of California, and any county, city and county, city, district, or other political subdivision or public entity of, or organized under the laws of, this state, or any department, instrumentality or agency thereof.

100017. "System" means all transit works and transit facilities owned or held or to be owned or held by the district for transit purposes.

100018. "Revenues" means all rates, fares, tolls, rentals or other income and revenue actually received or receivable by or for the account of the district from the operation of the system, including, without limiting the generality of the foregoing, interest allowed on any moneys or securities and any profits derived from the sale of any securities and any consideration in any way derived from any properties owned, operated or at any time maintained by the district.

100019. "Person" includes any individual, firm, copartnership, association, corporation, trust, business trust or re-

ceiver or trustee or conservator for any thereof, but does not include a public agency, as defined in this chapter.

100020. "Establish" includes establish, construct, complete, acquire, extend, or reroute. It does not, however, include the maintenance and operation of any existing system acquired by the district.

100021. "Existing system" means any transit service or system of a publicly or privately owned public utility or division thereof operating entirely within Santa Clara County or at least 40 percent of whose revenue vehicle miles for the preceding calendar year were operated within the district but does not include a charter-party carrier or the charter service of a passenger stage corporation

CHAPTER 3. FORMATION OF DISTRICT

Article 1. General Provisions

100030 The Santa Clara County Transit District may be formed as provided in this chapter and when so formed may exercise the powers herein granted

100031. The district shall include all incorporated and unincorporated territory lying within the County of Santa Clara

100032. The Board of Supervisors of the County of Santa Clara may, after notice and public hearing, published pursuant to Government Code Section 6061, adopt a resolution declaring that in its opinion public interest or necessity demands the formation of the Santa Clara County Transit District. The resolution may include a finding that authorization to levy the special taxes provided in Article 8 (commencing with Section 100200) of Chapter 5 of this part is necessary for district purposes.

Article 2. Formation Election

100040. Upon adoption of the resolution provided for in Section 100032, the Board of Supervisors of the County of Santa Clara shall adopt a resolution calling an election within the proposed district for the purpose of determining whether the proposed district shall be formed.

100041. The resolution calling the formation election shall be published pursuant to Government Code Section 6061. The resolution shall:

(a) Call, provide and give notice of the special election

(b) Fix a date of election.

(c) State the question to be submitted to the voters pursuant to Section 100042.

(d) Contain such other matters as may be necessary to call, provide for and give notice of such election and to provide for the conduct thereof and the canvass of the returns thereupon.

100042. The ballot for the election shall contain such instructions as are required by law to be printed thereon and in addition thereto the following:

Shall the "Santa Clara County Transit District" be formed?	YES ☐ NO ☐

If, however, the resolution adopted pursuant to Section 100032 includes a finding that authorization to levy the special taxes provided in Article 8 (commencing with Section 100200) of Chapter 5 of this part is necessary for district purposes, the Board of Supervisors of the County of Santa Clara may provide that the questions of formation of the district and authorization to levy the special taxes shall either be submitted as separate questions or combined as a single question on the ballot.

100043. The registrar of voters shall mail a notice of polling place, date and purpose of the election to each registered voter of the county.

The provisions of Article 3 (commencing with Section 3780) of Chapter 2 of Division 4 of the Elections Code relating to ballot arguments and analyses shall be applicable to the formation election. The general elections provisions of the Elections Code (as far as they may be applicable) relating to the qualifications of voters, the manner of voting, the form of the ballot, the duties of precinct and election officers, the canvassing of returns and all other particulars shall govern the formation election.

100044. No person shall be entitled to vote at the election unless he is a registered voter of the county.

100045. The election may be held on the same day as any other state, county, or city election, and be consolidated therewith.

100046. The county registrar of voters shall canvass the returns and certify the election results to the Board of Supervisors of the County of Santa Clara.

100047. The Board of Supervisors of the County of Santa Clara shall make all provisions for the holding of the election throughout the district as proposed, and the cost of said election shall be a charge against the general funds of the county.

100048. If a majority of the electors voting on the proposition vote in favor of the formation of the district, the Board of Supervisors of the County of Santa Clara shall adopt an order declaring the result of the election and declaring the district to be formed and shall cause a certified copy of such order to be filed in the office of the Secretary of State, at which time the formation of the district shall be deemed complete.

100049. No informality in any proceeding or in the conduct of the election, not substantially affecting adversely the legal rights of any citizen, shall be held to invalidate the formation of the district. Any proceedings wherein the validity of formation is denied shall be commenced within 90 days from the

date of filing the order declaring the result of the election with the Secretary of State, otherwise the formation and the legal existence of the district shall be held to be valid and in every respect legal and incontestable.

100050. This part shall not be subject to the Knox-Nisbet Act, Chapter 6.6 (commencing with Section 54773), Part 1, Division 2, Title 5 of the Government Code.

CHAPTER 3.5. EXISTING SYSTEMS

100055. Notwithstanding any other provision of this act, before the district may establish any transit service or system which may at any time divert, lessen, or compete for the patronage or revenues of any existing system, the district shall give a written notice to the public utility which is operating the existing system. The written notice shall describe the transit service or system which the district proposes to establish and shall state the time within which the district proposes to establish such service or system.

100055.1. The district shall not establish the proposed service or system, or maintain and operate the service or system until it has completed the purchase of the existing system or any part thereof.

100055.2. Subject to Section 100351, the purchase price to be paid for the existing system, or any portion thereof to be purchased, shall be the reproduction cost new, including going concern value, at the date upon which the district commences negotiations for the purchase of the existing system, or the portion of the existing system, less depreciation, including wear, tear and obsolescence, if any.

100055.3. The district and public utility operating the existing system may agree upon the purchase price or they may agree that the purchase price is to be established by arbitration and upon the method of naming arbitrators and the method of conducting such arbitration.

100055.4. Section 851 of the Public Utilities Code does not apply to any contract for sale or sale of an existing system or any portion thereof, pursuant to this chapter, and the Public Utilities Commission shall have no jurisdiction with respect thereto.

CHAPTER 4. GOVERNMENT OF DISTRICT

Article 1. Board of Supervisors

100060. The government of the district shall be vested in a board of supervisors which shall consist of the five members of the Board of Supervisors of the County of Santa Clara who shall be ex officio supervisors of the district.

100061. The board of supervisors, annually, at the first meeting in January, shall elect a chairman who shall preside at all meetings. In the event of his absence or inability to act,

the members present, by an order entered in the minutes, shall select one of their members to act as chairman pro tem, who, while so acting, shall have all of the authority of the chairman.

100062. The board shall establish rules for its proceedings. A majority of the members of the board shall constitute a quorum for the transaction of business and no act of the board shall be valid unless at least three concur therein. The acts of the board shall be expressed by motion, resolution or ordinance. District ordinances shall be adopted in the same manner as provided for adoption of ordinances by the county. All meetings of the board shall be conducted in the manner prescribed by the Ralph M. Brown Act, Chapter 9 (commencing with Section 54950), Part 1, Division 2, Title 5 of the Government Code.

100063. The members of the board shall receive no compensation for their services, but shall be allowed their actual necessary traveling expenses incurred in the discharge of their duties.

Article 2. Powers and Duties of Board of Supervisors

100070. The board of supervisors is the legislative body of the district and shall determine all questions of district policy.

100071. It shall be the duty of the board of supervisors and it shall have the power to:

(a) Determine the transit facilities to be acquired and constructed by the district, the manner of operation, and the means to finance them.

(b) Adopt an annual budget for the district and fix the compensation of its officers and employees.

(c) Fix rates, rentals, charges and classifications of transit service operated by the district.

(d) Adopt an administrative code, by ordinance, which shall prescribe the powers and duties of district officers and the method of appointment of district employees and methods, procedures and systems of operation and management of the district.

(e) Adopt by ordinance, rules and regulations governing the use of transit facilities owned or operated by the district.

(f) Cause a postaudit of the financial transactions and records of the district to be made at least annually by a certified public accountant.

(g) Do any and all things necessary to carry out the purposes of this part.

Article 3. Advisory Commission

100080. An advisory commission to the board of supervisors shall be established pursuant to this article.

100081. The commission shall be composed of one councilman from each city within the county appointed by the city council and five public members appointed by the supervisors.

Each supervisor shall appoint one public member. Commissioners shall serve at the pleasure of their appointing authority.

100082. The commission shall advise the board of supervisors on matters of district policy and shall have such additional duties as provided in this part.

100083. The board of supervisors may fix an amount not to exceed fifty dollars ($50) per month to be paid each member of the advisory commission in lieu of reimbursement for expenses in attending meetings of the commission.

Article 4. Officers

100090. The officers of the district shall consist of the members of the board of supervisors, the chairman of the board, a secretary, an executive officer, a counsel, a controller, a treasurer, and such other officers, assistants and deputies as the board may deem necessary and provide for by ordinance.

100091. The county executive shall be ex officio executive officer.

The clerk of the board of supervisors shall be ex officio secretary.

The county counsel shall be ex officio counsel.

The county director of finance shall be ex officio treasurer and controller.

The board of supervisors may provide by ordinance that other county officers shall be ex officio officers of the district.

100092. The district shall reimburse the county for the services performed by the county to the district.

100093. Article 4 (commencing with Section 1090) and Article 4.6 (commencing with Section 1120), Chapter 1, Division 4, Title 1, of the Government Code shall apply to all officers, employees and contracts of the district.

Article 5. Executive Officer

100100. The power and duties of the executive officer are:

(a) To head the administrative branch of the district and to be responsible to the board of supervisors for the proper administration of all affairs of the district.

(b) To appoint, supervise, suspend or remove, district officers other than ex officio officers.

(c) To supervise and direct the preparation of the annual budget for the board and be responsible for its administration after its adoption.

(d) To formulate and present to the board plans for transit facilities within the district and the means to finance them.

(e) To supervise the planning, acquisition, construction, maintenance and operation of the transit facilities of the district.

(f) To attend all meetings of the board.

(g) To prepare and submit to the board as soon as practicable after the end of each fiscal year a complete report of the finances and administrative activities of the district for the preceding year.

(h) To perform such other and additional duties as the board may require.

CHAPTER 5 POWERS AND FUNCTIONS OF DISTRICT

Article 1. Corporate Power

100110. The district has perpetual succession and may adopt a seal and alter it at its pleasure.

100111. The district may sue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

100112. All claims for money or damages against the district are governed by Division 3.6 (commencing with Section 810) of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

100113. The district may levy, and collect, or cause to be collected, taxes for any lawful purpose, as provided by law.

100114. Except as otherwise provided in this part, district elections shall be called, held and conducted as provided by law for county elections.

Article 2. Contracts

100120. The district may make contracts and enter into stipulations of any nature whatsoever, either in connection with eminent domain proceedings or otherwise, including, without limiting the generality of the foregoing, contracts and stipulations to indemnify and save harmless, to employ labor, and to do all acts necessary and convenient for the full exercise of the powers granted in this part.

100121. The district may contract with any department or agency of the United States of America, with any public agency or with any person upon such terms and conditions as the board finds is for the best interest of the district.

100122. The purchase of all supplies, equipment and materials shall be subject to the same limitations as are applicable to the County of Santa Clara.

100123. Contracts for the construction of transit works or transit facilities shall be subject to the same limitations as are applicable to construction contracts of the County of Santa Clara.

100124. The district may insure against any accident or destruction of the system or any part thereof. The district may insure against loss of revenues from any cause whatsoever. It may provide in the proceedings authorizing the issuance of any

bonds for the carrying of insurance in such amount and of such character as may be specified, and for the payment of the premiums thereon. The district may also provide insurance as provided in Part 6 (commencing with Section 989) of Division 3.6 of Title 1 of the Government Code.

100125. The district may contract for the services of independent contractors.

Article 3. Property

100130. The district may take by grant, purchase, devise, or lease, or condemn in proceedings under eminent domain, or otherwise acquire, and hold and enjoy, real and personal property of every kind within or without the district necessary to the full or convenient exercise of its powers. The board may lease, mortgage, sell, or otherwise dispose of any real or personal property within or without the district necessary to the full or convenient exercise of its powers.

100130.5. Whenever a portion of a parcel of real property is to be taken for district purposes and the remainder is to be left in such state or condition as to be of little value to its owner, or to give rise to claims or litigation concerning severance or other damage, the district may acquire the whole parcel and may sell the excess portion or exchange it for other property suitable for district purposes.

100131. The district shall have or exercise the right of eminent domain in the manner provided by law for the condemnation of private property for public use. The district may take any property necessary or convenient to the exercise of the powers granted in this part, whether the property is already devoted to the same use or otherwise. In the proceedings venue, and trial relative to the exercise of the right the district has all the rights, powers, and privileges of an incorporated city and all rights, powers, and privileges conferred in this part. The district shall proceed in the name of the district in condemnation proceedings. The district, in exercising such power, shall in addition to the damages for the taking, injury, or destruction of property, also pay the cost, exclusive of betterment and with credit for salvage value, of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be moved to a new location. Notwithstanding any other provision of this part or any other law, no property in public use shall be taken by the district except upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated.

100132. The Public Utilities Commission of the state shall have and exercise power and jurisdiction to fix just compensation to be paid for the taking of any property of a public utility in eminent domain proceedings brought by the district. The district may commence and maintain such eminent do-

main proceedings in the Public Utilities Commission or the superior court at its option.

100133. The district is entitled to the benefit of any reservation or grant, in all cases, where any right has been reserved or granted to any public agency to construct or maintain roads, highway or other crossings over any public or private lands.

Article 4. Transit Planning

100140. The district shall adopt a general transit plan for the district.

100141. The general transit plan or any element or amendment thereof shall be adopted in the manner provided in this article.

100142. The executive officer shall submit the proposed plan or an element or amendment thereof to the advisory commission which shall hold a public hearing thereon. Notice of the time and place of the hearing shall be given at least 30 days before the hearing. The notice shall be published pursuant to Government Code Section 6061 and written notice shall also be mailed to each city council in the county. The hearing may be continued from time to time.

100143. The approval by the advisory commission of the general transit plan or an element or amendment thereof shall be by resolution of the commission adopted by the affirmative votes of not less than a majority of all of its voting members.

100144. Upon approval by the advisory commission, the plan or an element or amendment thereof shall be transmitted to the board.

100145. Before adopting the plan, or an element or amendment thereof, the board shall hold a public hearing. Notice of the time and place of the hearing shall be given in the manner provided for in Section 100142. The hearing may be continued from time to time.

100146. In adopting a general transit plan, or an element or amendment thereof, the board shall not make any change or addition until the proposed change or addition has been referred to the advisory commission for a report and a copy of the report has been filed with the board. Failure of the advisory commission to report within 40 days after the reference, or such longer period as may be designated by the board, shall be deemed to be approval of the proposed change or addition. It shall not be necessary for the advisory commission to hold a public hearing on such proposed change or addition.

100147. The adoption of the general plan, or an element or amendment thereof, shall be by resolution of the board.

100148. If the general transit plan or any element or amendment thereof includes the construction or operation of any fixed right-of-way facilities into the County of Alameda or the County of San Mateo or the interconnection of any of the district's fixed right-of-way facilities with fixed right-of-way facilities in the County of Alameda or the County of San

Mateo, the plan shall require physical compatibility as provided in Section 100169.2 and shall provide for entering into and performing a unified management and operations contract as provided in Section 100169.4.

100149. The district may adopt official plan lines based on the adopted general plan designating the precise location of planned rights-of-way of transit works and facilities. Official plan lines shall be adopted in the same manner as is provided for the adoption of the general plan.

100150. The provisions of Article 5 (commencing with Section 53090) of Chapter 1, Part 1, Division 2, Title 5 of the Government Code shall not be applicable to the district.

Article 5. Transit Facilities and Service

100160. The district may provide transit service for the transportation of passengers and their incidental baggage by any means.

100160.5. Nothing in this act shall authorize the district to engage in the business of providing charter bus service in competition with taxpaying private charter bus operators.

100161. The district may, subject to the provisions of Sections 100148, 100169.2 and 100169.4, acquire, construct, own, operate, control or use rights-of-way, rail lines, buslines, stations, platforms, switches, yards, terminals, parking lots and any and all facilities necessary or convenient for transit service within or partly without the district, underground, upon, or above the ground and under, upon, or over public streets or other public ways or waterways, together with all physical structures necessary or convenient for the access of persons or vehicles thereto, and may acquire any interest in or rights to use or joint use of any or all of the foregoing; provided, that installations in state freeways shall be subject to the approval of the State Department of Public Works, and installations in other state highways shall be subject to Article 2 (commencing with Section 670), Chapter 3, Division 1 of the Streets and Highways Code. Installations in county highways and city streets shall be subject to similar encroachment permits.

100162. The district may lease or contract for the use of its transit facilities, or any portion thereof, to any operator, and may provide for subleases by such operator upon such terms and conditions as it deems in the public interest. The word "operator" as used in this section means any public agency or any person.

100163. The board may contract with any public agency or person to provide transit facilities and services for the district.

100164. The district may construct and operate or acquire and operate transit works and facilities in, under, upon, over, across, or along any state or public highway or any stream, bay or water course, or over any of the lands which are the property of the state, to the same extent that such rights and

privileges appertaining thereto are granted to municipalities within the state.

100165. The district may enter into agreements for the joint use of any property and rights by the district and any public agency or public utility operating transit facilities; may enter into agreements with any public agency or public utility operating any transit facilities, and wholly or partially within or without the district, for the joint use of any property of the district or of such public agency or public utility, or the establishment of through routes, joint fares, transfer of passengers or pooling arrangements.

100166. The rates and charges, if any, for transit service furnished pursuant to this part shall be fixed by the board and shall be reasonable.

100167. The district shall be subject to the provisions of Division 14.8 (commencing with Section 34500) of the Vehicle Code with respect to operation of buses and to the rules and regulations enforceable by the State of California Highway Patrol pursuant to that chapter regulating the safe operation of buses.

100168. The district shall be subject to the regulations of the Public Utilities Commission relating to safety appliances and procedures, and the commission shall inspect all work done pursuant to this part and may make such further additions or changes necessary for the purpose of safety to employees and the general public. The commission shall enforce the provisions of this section.

100169. The district and any one or more school districts located within its boundaries may enter into agreements pursuant to which school transportation equipment may be used for transit purposes within the district's boundaries during any time that such equipment is not actually required for school purposes.

100169.2. To the extent that the transportation needs of the county require the construction and operation of fixed right-of-way facilities into the County of Alameda or the County of San Mateo or the interconnection of the district's fixed right-of-way facilities with fixed right-of-way facilities in either of said counties, such fixed right-of-way facilities planned, constructed or acquired by the district shall incorporate physical characteristics compatible with the system of the San Francisco Bay Area Rapid Transit District and provision shall be made for the unified management and operation of such interconnecting facilities.

100169.4. Before constructing any fixed right-of-way facilities which will interconnect with fixed right-of-way facilities in the County of Alameda or the County of San Mateo, the district shall enter into a contract with the San Francisco Bay Area Rapid Transit District and, for facilities interconnecting with facilities in the County of San Mateo, the West Bay Rapid Transit Authority which shall provide for unified management and operation of such facilities, including, with-

out limitation, the fixing of rates and charges for the use of such facilities and the sharing of financial burdens already assumed by the citizens of the counties comprising the San Francisco Bay Area Rapid Transit District and the West Bay Rapid Transit Authority to establish their systems, which should be recognized in the operation of the unified system. The share of such financial burdens to be assumed by the district, determined by its board by agreement with the board of the San Francisco Bay Area Rapid Transit District and the board of the West Bay Rapid Transit Authority to be in the best mutual interests of their respective citizens, may be made payable out of bond proceeds (subject to authorization of the bonds at an election), tax levies, or any other available funds and may be made payable at such times and upon such rate of interest and other terms as shall be agreed upon between the respective boards.

Article 6. Public Grants, Loans and Contributions

100170. The district may accept, without limitation by any other provisions of this part requiring approval of indebtedness, contributions, grants, or loans from any public agency or the United States or any department, instrumentality, or agency thereof, for the purpose of financing the acquisition, construction, maintenance, or operation of transit facilities, and may enter into contracts and cooperate with, and accept cooperation from, any public agency or the United States, or agency thereof, in the acquisition, construction, maintenance, or operation, and in financing the acquisition, construction, maintenance or operation of any such transit facilities in accordance with any legislation which Congress or the Legislature of the State of California may have heretofore adopted or may hereafter adopt, under which aid, assistance, and cooperation may be furnished by the United States or any public agency in the acquisition, construction, maintenance and operation of any such transit facilities. The district may do any and all things necessary in order to avail itself of such aid, assistance, and cooperation under any federal or state legislation now or hereafter enacted. Any evidence of indebtedness issued under this section shall constitute a negotiable instrument.

100171. The district shall have the power to obtain temporary transfers of funds in accordance with the last paragraph of Section 25 of Article XIII of the California Constitution.

Article 7. Property Taxation

100180. The district may levy and collect, or cause to be collected, property taxes for any lawful purpose.

100181. If district revenues and receipts from any special taxes will not be sufficient to finance the budget of the district, the board shall levy and collect a property tax at an annual

rate which shall not exceed fifteen cents ($0.15) on each one hundred dollars ($100) of assessed valuation.

100182. (a) In addition to the general tax levy as set forth in Section 100181, and except as otherwise provided in subdivision (b) of this section, if from any cause the revenues of the district are, or are expected to be, inadequate in any year to pay the principal of, interest on, or sinking fund payments for bonds of the district as the same become due, or to establish or maintain any reserve fund therefor, the board shall levy for district purposes and collect upon all property in the district taxable for county purposes a tax sufficient, together with revenues already collected and available therefor, to pay the interest on the 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 its bondholders, as will come due before the proceeds of a tax levied at the next general tax levy will be available for such purpose, and sufficient to provide or to restore such reserve fund to the amount required by any of the district's agreements with its bondholders.

(b) In the event that the ordinance calling the election on the issuance of bonds provided for all or any portion of the special taxes mentioned in Article 8 (commencing with Section 100200) of Chapter 5 of this part to be levied and used to the extent required to pay principal of and interest on the bonds, to provide for any sinking fund payments required therefor and to create or maintain any reserve fund required therefor, the board shall estimate the revenues of the district which are expected to be available for said purposes and the amounts to be raised by such special taxes as are required to be levied and used for said purposes in order to provide for the payment of all such obligations when due. The board may in its regular annual budget, or in a special budget which may be prepared at any time, show the amounts needed for the aforesaid purposes, estimate the revenue available therefor, and thereafter fix the rates of and levy and collect or provide for the collection of such special taxes as will provide, together with other revenues available therefor, at least all sums necessary for such purposes insofar as such levies do not exceed the maximum rates of such special taxes stated in the ordinance calling the bond election.

If from any cause the revenues of the district are or are expected to be inadequate to pay the principal of and interest on the bonds and sinking fund payments, as the same become due, and establish or maintain any reserve fund required therefor, and if the proceeds of the special taxes, levied at the maximum rates authorized, together with such revenues, are still estimated to be insufficient for said purposes, the board shall levy and collect upon all property in the district taxable for county purposes a tax at least sufficient, with the revenues already collected and available therefor, together

with the anticipated proceeds of the special taxes, to pay the interest on the bonds as the same will become due and such part of the principal thereof, including any sinking fund payments, as will become due before the proceeds of a tax 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 its bondholders.

100183. The board shall avail itself of the assessments made by the assessor of the county and of the assessments made by the State Board of Equalization for the county and shall take such assessments as the basis for district property taxation and have its property taxes collected by the tax collector of the county.

100184. The county auditor shall, on or before the third Monday in August of each year, transmit to the board a statement in writing showing the total value of all property within the district, ascertained from the assessments referred to in Section 100183.

100185. The board shall on or before the first day of September fix the rate of taxes, designating the number of cents upon each one hundred dollars ($100), and using as a basis the value of property transmitted to the board by the county auditor, which rate of taxation shall be sufficient to raise the amount previously fixed by the board.

100186. The board shall immediately after fixing the rate of taxes as above provided transmit to the county auditor of the county a statement of the rate of taxes fixed by the board.

100187. The district's taxes so levied shall be collected at the same time and in the same manner as county taxes. When collected, the net amount, ascertained as provided in this article, shall be paid to the treasurer of the district under the general requirements and penalties provided by law for the settlement of other taxes.

100188. Whenever any real property has been sold for taxes and has been redeemed, the money paid for redemption shall be apportioned and paid to the district by the county treasurer in the proportion which the tax due to the district bears to the total tax for which the property was sold.

100189. All taxes levied under this part are a lien on the property on which they are levied. The enforcement of the collection of such taxes shall be in the same manner and by the same means provided by law for the enforcement of liens for county taxes, all the provisions of law relating to the enforcement of the latter being made a part of this part so far as applicable.

100190. The county shall be compensated for services under this article at the rate of 1 percent for collecting the first twenty-five thousand dollars ($25,000), and one-fourth of 1 percent for all sums over that amount.

Article 8. Special Taxes

100200. A retail transactions and use tax ordinance may be adopted by the board of supervisors, as the legislative body of the district, in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code, provided that a majority of the electors voting on the proposition vote to authorize its enactment at the formation election as provided in Chapter 3 (commencing with Section 100030) of this part, or at a special election called for that purpose by the board of supervisors.

100201. (a) Except as provided in subdivision (b) any transactions and use tax ordinance adopted pursuant to this article shall be operative on the first day of the first calendar quarter commencing not less than 180 days after adoption of the ordinance.

(b) The County of Santa Clara may contract with the State Board of Equalization for its services in the preparation necessary to administer a district transaction and use tax ordinance, provided the State Board of Equalization determines that it is feasible for it to begin administration of a transactions and use tax ordinance of the district within the time limitations herein set forth. If such a contract is made prior to July 1, 1969, and a transactions and use tax ordinance is adopted by the district pursuant to Section 100200 by September 30, 1969, it shall be operative on the first day of the first calendar quarter commencing more than 90 days after the adjournment of the 1969 Legislature, or January 1, 1970, whichever is later. The costs to be covered by the contract are to be for services of the types described in Section 7272.5 of the Revenue and Taxation Code for preparatory work up to the date of an election called for the purpose of forming the Santa Clara County Transit District, but not to exceed sixty-two thousand five hundred dollars ($62,500). Any disputes as to the amount of the costs shall be resolved in the same manner as provided in Section 7272.5 of the Revenue and Taxation Code. The cost of such a contract shall be a charge against the general fund of the county, whether or not the district is formed.

(c) Prior to the operative date of the ordinance the district shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of the ordinance.

If the district shall not have contracted with the State Board of Equalization prior to the operative date of its ordinance, 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.

100202. Repeal of the transactions and use tax ordinance shall not be operative earlier than the first day of the first calendar quarter following the adoption of the ordinance of repeal. Upon repeal of a transactions and use tax ordinance

the board of supervisors shall have no further power to readopt the ordinance or to adopt a new transactions and use tax ordinance pursuant to this article.

100203. Whenever a bond election is held to authorize a bonded indebtedness pursuant to Section 100400, the ordinance calling the election may include a statement that transaction and use taxes, or a stated portion thereof, shall be levied or continued to be levied and used to the extent required to pay principal of and interest on the bonds as the same become due, to provide any sinking fund payments required therefor, or to create or maintain any reserve fund required therefor. A vote in favor of the issuance of the bonds shall authorize the use of such taxes for said purposes and no other or further election need be held to authorize the board to levy and collect such taxes. The ordinance shall not be repealed until all bonds payable from the revenues derived from such taxes have been fully paid or provision has been made for their payment in full.

CHAPTER 6. PERSONNEL

Article 1. Employee Relations

100300. Employees shall have the right to self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

100301. Any question which may arise with respect to whether a majority of employees in an appropriate unit desire to be represented by a labor organization shall be submitted to the Director of the Department of Industrial Relations. In resolving such questions of representation including the determination of the appropriate unit or units, petitions, the conduct of hearings and elections, the director shall apply the relevant federal law and administrative practice developed under the Labor Management Relations Act of 1947, as amended, and for this purpose shall adopt appropriate rules and regulations. The State Conciliation Service shall administer such rules and regulations and shall provide for a prompt public hearing and secret ballot election to determine the question of representation and shall certify the results to the parties. Any certification of a labor organization to represent or act for the employees in any collective bargaining unit shall not be subject to challenge on the grounds that a new substantial question of representation within such collective bargaining unit exists until the lapse of one year from the date of certification or the expiration of any collective bargaining agreement, whichever is later, except that no collective bargaining agreement shall be considered to be a bar to representation proceedings for a period of more than two years.

100302. Whenever a majority of the employees employed by the district in a unit appropriate for collective bargaining

indicate a desire to be represented by a labor organization and upon determining, as provided in Section 100301, that said labor organization represents at least a majority of the employees in the appropriate unit, the board and the accredited representative of employees shall bargain in good faith and make all reasonable efforts to reach agreement on the terms of a written contract governing wages, hours and working conditions.

100303. No contract or agreement shall be made with any labor organization, association, group or individual where such organization, association, group or individual denies membership on the grounds of race, creed or color; provided, that such organization may preclude from membership any individual who advocates the overthrow of the government by force or violence.

100304. If, after a reasonable period of time, representatives of the district and the accredited representatives of the employees fail to reach agreement on the terms of a written contract governing wages, hours, pensions and working conditions or the interpretation or application of the terms of an existing contract, either party may request mediation services of the State Conciliation Service.

100305. If, after a reasonable period of time, representatives of the district and the accredited representatives of the employees fail to reach agreement either on the terms of a written contract governing wages, hours, pensions and working conditions or the interpretation or application of the terms of an existing contract, upon the agreement of both the district and the representatives of the employees, the dispute may be submitted to an arbitration board and the decision of the majority of such arbitration board shall be final and binding. The arbitration board shall be composed of two representatives of the district and two representatives of the labor organization, and they shall endeavor to agree upon the selection of a fifth member. If they are unable to agree the names of five persons experienced in labor arbitration shall be obtained from the State Conciliation Service. The labor organization and the district shall, alternately, strike a name from the list so supplied, and the name remaining after the labor organization and the district have stricken four names, shall be designated as the fifth arbitrator and chairman of the board of arbitration. The labor organization and the district shall determine by lot who shall first strike a name from the list. The decision of a majority of the arbitration board shall be final and binding upon the parties thereto. Each party shall be responsible for the expense of the presentation of its case. All other expenses of arbitration shall be borne equally by the parties and said expenses may include the making of a verbatim record of the proceedings and transcript of that record.

100306. In the event the district and the representatives of the employees do not agree to submit any dispute to arbitration as provided in Section 100305 the State Conciliation

Service may be notified by either party that a dispute exists and there is no agreement to arbitrate.

Following such notification the State Conciliation Service shall determine whether or not the dispute may be resolved by the parties and, if not, the issues concerning which the dispute exists. Upon such determination the service shall certify its findings to the Governor of the State of California. The Governor shall, within 10 days of receipt of certification, appoint a factfinding commission consisting of three persons.

The commission shall immediately convene and inquire into and investigate the issues in the dispute. The commission shall have authority to issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, documents and other records. Subpoenas shall be served and enforced in accordance with Chapter 2 (commencing with Section 1985) of Title 3, Part 4, of the Code of Civil Procedure. The commission shall report to the Governor within 30 days of the date of its creation.

After the creation of such a commission, and for 30 days after such commission has made its report to the Governor, no change, except by mutual agreement, shall be made by the parties to the controversy in the conditions out of which the dispute arose, and service to the public shall be provided.

100307. In the event an exclusive collective bargaining representative is selected pursuant to Section 100301, the provisions of Chapter 10 (commencing with Section 3500), Division 4, Title 1 of the Government Code are not applicable to the district.

Article 2. Rights of Employees of Existing Facilities

100350. Whenever the district acquires existing facilities from a publicly or privately owned utility, either in proceedings by eminent domain or otherwise, to the extent necessary for operation of facilities, all of the employees of such public utility whose duties pertain to the facilities acquired who have been employed by said utility for at least seventy-five (75) days shall be appointed to comparable positions in the district without examination and these employees shall be given sick leave, seniority and vacation credits in accordance with the records of the acquired public utility. No employee of any acquired public utility shall suffer any worsening of wages, seniority, pension, vacation or other benefits by reason of the acquisition.

Whenever the district acquires existing facilities from a publicly or privately owned utility, either in proceedings in eminent domain or otherwise, the district shall assume and observe all existing labor contracts.

The provisions of this section shall apply only to those officers or supervisory employees of the acquired utility as shall be designated by the board.

100351. Whenever the district acquires existing facilities from a publicly or privately owned utility, either in proceedings in eminent domain or otherwise, that has a pension plan in operation, members and beneficiaries of such pension plan shall continue to have the rights, privileges, benefits, obligations and status with respect to such established system. The outstanding obligations and liabilities of such public utility by reason of such pension plan shall be considered and taken into account and allowance made therefor in the purchase price of such public utility. The persons entitled to pension benefits as provided for in this section and the benefits which are provided shall be specified in the agreement or order by which any public utility is acquired by the district.

Article 3. Pension Plan

100370. The adoption, terms and conditions of a pension plan covering employees of the district in a bargaining unit represented by a labor organization shall be pursuant to a collective bargaining agreement between such organization and the district.

100371. The board may contract with the board of administration of the Public Employees' Retirement System and enter all or any portion of its employees under such system provided that no employees of the district in a bargaining unit which is represented by a labor organization shall be included in such contract except as authorized by a collective bargaining agreement.

100372. All persons receiving pension benefits from an acquired public utility and all persons entitled to pension benefits under any pension plan of such acquired public utility may become members or receive pensions under a pension plan established by the district by mutual agreement of such persons and the district. Such agreement may provide for the waiver of all rights, privileges, benefits and status with respect to the pension plan of such acquired public utility.

Article 4. Other Benefits

100380. The district shall take such steps as may be necessary to obtain coverage for the district and its employees under Title 2 of the Federal Social Security Act, as amended, and the related provisions of the Federal Contributions Act, as amended.

100381. The district shall take such steps as may be necessary to obtain coverage for the district and its employees under the workmen's compensation, unemployment compensation disability and unemployment insurance laws of the State of California.

Chapter 7. Bonds and Other Evidences of Indebtedness

Article 1. Authorization and Issuance of General Obligation Bonds

100400. Whenever the board deems it necessary for the district to incur a bonded indebtedness for the acquisition, construction, or repair of any or all improvements, works, property or facilities, authorized by this part or necessary or convenient for the carrying out of the powers of the district, or for any other purpose authorized by this part, it shall, 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 said district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of said district, provided the total amount of bonds issued and outstanding pursuant to this article shall not exceed 15 percent of the assessed value of the taxable property of the district as shown by the last equalized assessment roll of the County of Santa Clara Said ordinance shall 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 and other fees, 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.

(c) The amount of the principal of the indebtedness.

(d) 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.

(e) The maximum rate of interest to be paid, which shall not exceed 7 percent per annum.

(f) The proposition to be submitted to the voters, which may include one or more purposes.

(g) The date of the election.

(h) The manner of holding the election and the procedure for voting for or against the measure.

(i) The ordinance may also contain, as provided in subdivision (b) of Section 100182, a statement that the special taxes mentioned in Article 8 (commencing with Section 100200) of Chapter 5 of this part, or a stated portion thereof, shall be levied, or continued to be levied, and used to the extent required to pay principal of and interest on the bonds as the same become due, to provide for any sinking fund payments required therefor or to create or maintain any reserve fund required therefor.

(j) The ordinance may also contain any other matters authorized by this part or any other law.

100401. 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.

100402. 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 district electors, as shown by the votes cast for all candidates for governor within the district at the last gubernatorial election, is filed with the board, it may call an election before the expiration of six months.

100403. If 66⅔ percent of the electors 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 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.

100404. The bonds shall bear interest at a rate or rates not exceeding 7 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, or such series thereof, shall be dated and numbered consecutively and shall be signed by the chairman of the board and the 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.

100405. 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.

100406. 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.

100407. 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 improvement fund and applied exclusively to the purposes for which the debt was incurred (which purposes shall be in conformity with an approved general transit plan or element thereof then in effect); provided, however, that when said purposes have been accomplished any moneys remaining in such improvement 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 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.

100408. 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.

100409. 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.

100410. 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 article 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.

100411. The provisions of Article 4 (commencing with Section 53500), Chapter 3, Part 1, Division 2, Title 5 of the Government Code are applicable to the district.

100412. Any bonds which shall be issued under the provisions of this article 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.

100413. If bonds are authorized that contain a provision for special taxes under subdivision (i) of Section 100400 of this article, the board may enter into such covenants as may be deemed proper to provide for issuance of additional parity bonds, the priority and pledge of special taxes and such other covenants as are customary or desirable in the issuance of any bonds payable out of special funds or necessary, convenient or desirable to secure the bonds or tending to make them more marketable subject to the provisions of the ordinance calling the bond election.

Article 2. Revenue Bonds

100450. The district may issue bonds, payable from revenue of any facility or enterprise to be acquired or constructed by the district, in the manner provided by the Revenue Bond Law of 1941, Chapter 6 (commencing with Section 54300), Part 1, Division 2, Title 5 of the Government Code, all of the provisions of which are applicable to the district.

100451. The district is a local agency within the meaning of the Revenue Bond Law of 1941, Chapter 6 (commencing with Section 54300), Part 1, Division 2, Title 5 of the Government Code. The term "enterprise" as used in the Revenue Bond Law of 1941 shall, for all purposes of this part, include the system or any or all transit facilities and all additions, extensions and improvements thereto authorized to be acquired, constructed or completed by the district. The district may issue revenue bonds under the Revenue Bond Law of 1941, for any one or more transit facilities authorized to be acquired, constructed, or completed by the district or, in the alternative, may issue revenue bonds under the Revenue Bond Law of 1941, for the acquisition, construction and completion of any one of such transit facilities. Nothing in this article shall prevent the district from availing itself of, or making use of, any procedure provided in this part for the issuance of bonds of any type or character for any of the transit facilities authorized hereunder, and all proceedings may be carried on simultaneously or, in the alternative, as the board may determine.

Article 3. Equipment Trust Certificates

100460. The district shall have power to purchase transit equipment such as cars, trolley buses and motor buses, or rolling equipment, and may execute agreements, leases and equipment trust certificates in the forms customarily used by private corporations engaged in the transit business appropriate to effect such purchase and leasing of transit equipment and may dispose of such equipment trust certificates upon such terms and conditions as the board may deem appropriate. Payment for such equipment, or rentals therefor, may be made in installments, and the deferred installments may be evidenced by equipment trust certificates payable from any source or sources of funds specified in such certificates that are or will be legally available to the district; and title to such equipment shall not rest in the district until the equipment trust certificates are paid.

100461. The agreement to purchase or lease may direct the vendor or lessor to sell and assign or lease the rolling equipment to a bank or trust company duly authorized to transact business in the State of California as trustee, for the benefit and security of the equipment trust certificates and may direct such trustee to deliver the rolling equipment to one or more designated officers of the district and may authorize the district

to simultaneously therewith execute and deliver an installment purchase agreement or a lease of the equipment to the district.

100462. The agreements and leases shall be duly acknowledged before a person authorized by law to take acknowledgments of deeds and in the form required for acknowledgment of deeds and such agreements, leases, and equipment trust certificates shall be authorized by resolution of the district and shall contain such covenants, conditions and provisions which may be deemed necessary or appropriate to insure the payment of the equipment trust certificates from legally available sources or sources of funds specified in such certificates.

100463. The covenants, conditions and provisions of the agreements, leases, and equipment trust certificates shall not conflict with any of the provisions of any trust agreement securing the payment of bonds, notes or certificates of the district.

100464. An executed copy of each such agreement and lease shall be filed in the office of the Secretary of State, who will be entitled to receive one dollar ($1) for each such copy filed with him and which filing shall constitute notice to any subsequent judgment creditor or any subsequent purchaser. Each vehicle so purchased or leased shall have the name of the owner or lessor plainly marked on both sides thereof followed by the appropriate words "Owner and Lessor" or "Owner and Vendor," as the case may be.

Article 4. Improvement Acts and Special Benefit Districts

100470. The Improvement Act of 1911, the Municipal Improvement Act of 1913 and the Improvement Bond Act of 1915 are applicable to the district.

100471. The provisions of Chapter 1 (commencing with Section 99000) of Part 11 of Division 10 of the Public Utilities Code are applicable to the district.

Article 5. Temporary Borrowing

100480. The district may borrow money for the purpose of defraying general administrative and preliminary expenses of the district, lawfully incurred, prior to the time moneys to be raised by the first tax levy for the district are available, a sum which shall not exceed five cents ($0.05) on each one hundred dollars ($100) of assessed valuation of taxable property in the district at the time the moneys are borrowed, and to evidence such borrowing by notes bearing interest at a rate not to exceed 7 percent per annum. The notes shall be payable from the first tax levy made by the district and the tax levy shall contain a sum sufficient to provide for the payment of the notes and the interest thereon. The form of said notes, their issuance and sale, will be governed by the applicable provisions referred to in Section 100483.

100481. At any time prior to the first receipt by the district of revenues from taxation, the county may lend any available money to the district for the purposes of organization and operation. Such expenditures shall constitute a proper expenditure of county funds.

100482. The district may borrow money in accordance with the provisions of Article 7 (commencing with Section 53820), or of Article 7.6 (commencing with Section 53850) of Chapter 4, Part 1, Division 2, Title 5 of the Government Code.

100483. The district may borrow money in anticipation of the sale of bonds which have been authorized to be issued, but which have not been sold and delivered, and may issue negotiable bond anticipation notes therefor and may renew the same from time to time, but the maximum maturity of any such notes, including the renewals thereof, shall not exceed five years from the date of delivery of such original notes. Such notes may be paid from any moneys of the district available therefor and not otherwise pledged. If not previously otherwise paid, the notes shall be paid from the proceeds of the next sale of the bonds of the district in anticipation of which they were issued and if not so paid, taxes may be levied for their payment in the same manner as taxes are levied for the payment of general obligation bonds pursuant to subdivision (a) or (b) of Section 100182 until such bonds are issued. Such notes shall not be issued in any amount in excess of the aggregate amount of bonds which the district has been authorized to issue, less the amount of any bonds of such authorized issue previously sold, and also less the amount of other bond anticipation notes therefor issued and then outstanding. The notes shall be issued and sold in the same manner as the bonds. Such notes and the resolution or resolutions authorizing the same may contain any provisions, conditions, or limitations which a resolution of the district authorizing the issuance of bonds may contain.

Article 6. Miscellaneous

100490. The district may bring an action to determine the validity of any of its bonds, equipment trust certificates, warrants, notes or other evidences of indebtedness pursuant to Chapter 9 (commencing with Section 860), Title 10 of Part 2 of the Code of Civil Procedure.

100491 All bonds and other evidences of indebtedness issued by the district under the provisions of this part, and the interest thereon are free and exempt from all taxation within the State of California, except for transfer, franchise, inheritance and estate taxes.

100492. Notwithstanding any other provisions of this part or any other law, the provisions of all ordinances, resolutions and other proceedings in the issuance by the district of any bonds, bonds with a pledge of revenues, bonds for improvement districts, revenue bonds, equipment trust certificates, notes, or any and all evidences of indebtedness or liability shall consti-

tute a contract between the district and the holders of such bonds, equipment trust certificates, notes or evidences of indebtedness or liability and the provisions thereof shall be enforceable against the district, any or all of its successors or assigns, the state, any department of the state, or any officer thereof, by mandamus or any other appropriate suit, action or proceeding in law or in equity in any court of competent jurisdiction. Nothing contained in this part or in any other law shall be held to relieve the district or the territory included within it from any bonded or other debt or liability contracted by the district. Upon dissolution of the district or upon withdrawal of territory therefrom, the property formerly included within the district or withdrawn therefrom shall continue to be liable for the payment of all bonded and other indebtedness or liabilities outstanding at the time of such dissolution or withdrawal the same as if the district had not been so dissolved or the territory withdrawn therefrom, and it shall be the duty of the state or other successors or assigns to provide for the payment of such bonded and other indebtedness and liabilities. Except as may be otherwise provided in the proceedings for the authorization, issuance and sale of any revenue bonds, bonds secured by a pledge of revenues or bonds for improvement districts secured by a pledge of revenues, revenues of any kind or nature derived from any revenue-producing improvements, works, facilities or property owned, operated or controlled by the district shall be pledged, charged, assigned and have a lien thereon for the payment of such bonds as long as the same are outstanding, regardless of any change in ownership, operation or control of such revenue-producing improvements, works, facilities or property and it shall, in such later event or events, be the duty of the state or other successors or assigns to continue to maintain and operate such revenue-producing improvements, works, facilities or property as long as bonds are outstanding.

CHAPTER 8. DISSOLUTION

100500. The district may be dissolved pursuant to the provisions of the District Reorganization Act of 1965.

SEC. 2. Section 6052.5 of the Revenue and Taxation Code 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, at the 5½-percent rate, and at any other combined rates of state, local and 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

5½ percent		5½ percent	
Price	Tax	Price	Tax
.01– .10	.00	.63– .79	.04
.11– .25	.01	.80– .97	.05
.26– .45	.02	.98–1.15	.06
.46– .62	.03		

The remainder of the schedules at the 4-percent rate and at the 5-percent rate and at the 5½-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. 3. Section 7056 of the Revenue and Taxation Code is amended to read:

7056. Excepting the information set forth on permits issued under Article 2 (commencing with Section 6066) of Chapter 2 of this part, it is unlawful for the board or any person having an administrative duty under this part to make known in any manner whatever the business affairs, operations, or any other information pertaining to any retailer or any other person required to report to the board or pay a tax pursuant to this part, or the amount or source of income, profits, losses,

expenditures, or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person. However, the Governor may, by general or special order, authorize examination by other state officers, by tax officers of another state, by the federal government, if a reciprocal arrangement exists, or by any other person of the records maintained by the board under this part. The information so obtained pursuant to the order of the Governor shall not be made public except to the extent and in the manner that the order may authorize that it be made public.

When requested by resolution of the legislative body of any county, city and county or city, the board shall permit any duly authorized officer or employee of such county, city and county, or city, to examine all of the sales and use tax records of the board pertaining to sales and use taxes collected for the county, city and county or city by the board pursuant to contract entered into between the board and the county, city and county or city under the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5, commencing with Section 7200, of Division 2 of the Revenue and Taxation Code). Information obtained by examination of board records as herein permitted shall be used only for purposes related to the collection of local sales and use taxes by the board pursuant to the contract.

When requested by resolution of the legislative body of a district the board shall permit any duly authorized officer or employee of such district to examine the records of the board pertaining to transactions and use taxes collected for the district by the board pursuant to contract entered into between the board and the district. Information obtained by examination of the board records as herein permitted shall be used only for purposes related to the collection of district transactions and use taxes by the board pursuant to the contract.

Successors, receivers, trustees, executors, administrators, assignees, and guarantors, if directly interested, may be given information as to the items included in the measure and amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties.

SEC. 4 Section 7252 of the Revenue and Taxation Code is amended to read:

7252. "District" as used in this part, means the San Francisco Bay Area Rapid Transit District and the Santa Clara County Transit District.

SEC. 5 Section 7272 5 is added to the Revenue and Taxation Code, to read:

7272.5. The contract referred to in Section 100201 of the Public Utilities Code shall provide that the district shall pay to the board its costs of preparation to administer and operate the transactions and use taxes ordinance. The district shall pay preparatory costs in accordance with the contract. Such costs include all preparatory costs including costs of develop-

ing procedures, programming for data processing, developing and adopting appropriate regulations, designing and printing of forms, developing instructions for the board's staff and for taxpayers, and other necessary preparatory costs which shall include the board's direct and indirect costs as specified by Section 11256 of the Government Code. Any disputes as to the amount of preparatory costs incurred shall be resolved by the Director of Finance and his decision shall be final. The maximum amount of all preparatory costs to be paid by the district shall not in any event exceed one hundred twenty-five thousand dollars ($125,000).

SEC. 6. Section 7273 of the Revenue and Taxation Code is amended to read:

7273. In addition to the amounts otherwise provided for preparatory costs, the board shall charge the district for the board's services in administering the transactions and use tax ordinance of the district such amounts as will reimburse the board for the cost to it in rendering the services as determined by the Director of Finance. Such amounts shall be deducted from the taxes collected by the board for the district.

SEC. 7. Pursuant to Part 12 (commencing with Section 100000) of Division 10 of the Public Utilities Code, the Board of Supervisors of the County of Santa Clara may contract with the State Board of Equalization pursuant to subdivision (b) of Section 100201 of the Public Utilities Code and call an election to authorize the enactment of a transactions and use tax and the board of supervisors of the district may adopt a transactions and use tax ordinance and contract for its administration with the State Board of Equalization prior to the effective date of Chapter 24 of the Statutes of the 1969 Regular Session of the Legislature; provided, however, no transactions and use tax ordinance adopted pursuant to Part 12 (commencing with Section 100000) of Division 10 of the Public Utilities Code shall become operative prior to the effective date of Chapter 24 of the Statutes of the 1969 Regular Session of the Legislature.

SEC. 8. Section 32010 of the Revenue and Taxation Code is amended to read:

32010. The taxes imposed by this part are in lieu of all county, municipal, or district taxes on the sale of beer, wine or distilled spirits.

This section does not prohibit the application of Part 1 (commencing with Section 6001), Part 1.5 (commencing with Section 7200) or Part 1.6 (commencing with Section 7251) of this division to the sale, storage, use or other consumption of beer, wine or distilled spirits.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to provide public transit to the residents of the County of Santa Clara at the earliest possible time and to help alleviate congestion on the streets and highways of the county, it is necessary that this act go into immediate effect.

CHAPTER 181

An act to amend Section 6767.5 of the Business and Professions Code, relating to professional engineers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 12, 1969. Filed with Secretary of State June 12, 1969.]

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

SECTION 1. Section 6767.5 of the Business and Professions Code is amended to read:

6767.5. (a) The board may register an applicant without examination in that branch of engineering designated as industrial engineering, provided that the applicant, in the opinion of the board, has all the qualifications necessary for such registration and provided that the applicant filed his application prior to January 1, 1969.

(b) The board may adopt such rules under provisions of the Administrative Procedure Act as are necessary to implement 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 1967 legislation was enacted which permits the registration of industrial engineers (Stats. 1967, Ch. 811). Part of this legislation permitted qualified persons who made application to the State Board of Registration for Professional Engineers to receive such registration without examination (Sec. 6767.5, B & P.C.). The provision has been construed as requiring the complete possessing of an application prior to January 1, 1969, in order for the applicant to be registered without examination. Since the board has received over 10,000 applications it has been impossible to process each one prior to the required date.

This act permits the board to continue to process the applications it had pending prior to the cutoff date of January 1, 1969. To prevent any further delays with respect to these pending applications it is necessary that this act take effect immediately.

CHAPTER 182

An act to amend Section 9976 of the Business and Professions Code, relating to employment agencies.

[Approved by Governor June 12, 1969 Filed with Secretary of State June 12, 1969]

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

SECTION 1. Section 9976 of the Business and Professions Code is amended to read:

9976. (a) No employment agency shall divide fees with an employer, an agent or other employee of an employer or person to whom help is furnished.

(b) No employment agency shall charge an applicant a fee for accepting employment with such employment agency or any subsidiary of that agency.

(c) No employment agency shall charge an applicant a fee when help is furnished to an employer, an agent, any employee of an employer, a member, or person who has a financial interest in such employment agency.

CHAPTER 183

An act to add Section 1636 to the Business and Professions Code, relating to foreign dental graduates.

[Approved by Governor June 12, 1969. Filed with Secretary of State June 12, 1969.]

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

SECTION 1. Section 1636 is added to the Business and Professions Code, to read:

1636. Notwithstanding the provisions of subdivision (c) of Section 1628, a person who has had issued to him a degree of doctor of dental medicine or doctor of dental surgery by a foreign dental school listed by the World Health Organization, or by a foreign dental school approved by the Board of Dental Examiners, shall be eligible for examination as hereinafter provided upon complying with subdivisions (a) and (b) of Section 1628 and furnishing all of the following documentary evidence satisfactory to the board, that:

(a) He has completed in a dental school or schools a resident course of professional instruction in dentistry for the full number of academic years of undergraduate courses required for graduation.

(b) Subsequent thereto, he has had issued to him by such dental school, a dental diploma or a dental degree, as evidence of the completion of the course of dental instruction required for graduation.

(c) He has been admitted or licensed to practice dentistry in the country wherein is located the institution from which the applicant was graduated.

Examination by the board of a foreign-trained dental applicant shall be a progressive examination given in the following sequence:

(1) Examination in writing which shall be comprehensive and sufficiently thorough to test the knowledge, skill and competence of the applicant to practice dentistry, and both questions and answers shall be written in the English language. The board shall waive the written examination for any person who has successfully passed the National Board of Dental Examiners' examination and received a certificate from that board.

(2) Demonstration of applicant's judgment in diagnosis-treatment planning.

(3) Demonstration of applicant's skill in prosthetic dentistry.

(4) Demonstration of applicant's skill in restorative technique and operative dentistry. However, the board shall not permit an applicant to perform a dental operation on a patient until the applicant has successfully completed the requirements of subdivisions (1), (2), and (3) of this section and has successfully demonstrated his skill in restorative technique.

When an applicant for a license under this section has received a passing grade equivalent to that required of other applicants in the examinations of the kind set forth in subdivisions (1), (2), and (3) of this section, he shall be exempt from reexamination in that subject in subsequent examinations before the board held within a two-year period from the date of the examination in which he obtained such passing grade.

The licensure examination for foreign-trained dental applicants shall be held by the board at least once a year with such additional examinations as the board desires to hold. The time and place of the examination shall be fixed by the board at least six months prior to the date that the examination is to be held.

CHAPTER 184

An act to amend Section 5871 of the Streets and Highways Code, relating to street lighting facilities.

[Approved by Governor June 16, 1969. Filed with Secretary of State June 16, 1969.]

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

SECTION 1. Section 5871 of the Streets and Highways Code is amended to read:

5871. This chapter shall apply to the construction of sidewalks, gutters, pavements, driveways, and curbs and, the in-

stallation of storm and sanitary drainage facilities, parkway trees, and street lighting facilities in front of properties in any block where a sidewalk, gutter, pavement, driveway, the installation of storm and sanitary sewer drainage facilities, parkway trees, and street lighting facilities, or curb or all of them have been constructed theretofore in front of properties in said block constituting more than fifty percent (50%) of the front footage of said block or where the owners of more than 60 percent of the front footage of the block, as shown by the last equalized assessment roll of the city, file a petition with the city clerk requesting the installation of any such improvements or where a petition signed by the owners of more than sixty percent (60%) of the front footage of any part of an unimproved portion or portions of a block has been filed with the city clerk requesting the installation of such improvements in front of said part.

This chapter shall not apply to driveway construction in front of a vacant lot, or in front of an unimproved property, unless requested by the owner.

As used in this chapter, "sidewalks or curbs" includes "gutters." "driveways," "pavement" to the centerline of the street, "full pavement" in alleys, "storm and sanitary drainage facilities," "parkway trees," "street lighting facilities," and "superintendent of streets" includes any other person or persons who may be designated by the legislative body to perform any of the duties of the superintendent of streets set forth in this chapter.

"Fronting" and "facing" as used in this chapter means "abutting" in the case of property adjoining an alley improvement.

CHAPTER 185

An act to amend Section 675 of the Welfare and Institutions Code, relating to minors.

[Approved by Governor June 16, 1969. Filed with Secretary of State June 16, 1969.]

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

SECTION 1. Section 675 of the Welfare and Institutions Code is amended to read:

675. All cases under the provisions of this chapter shall be heard at a special or separate session of the court, and no other matter shall be heard at such session. No person on trial, awaiting trial, or under accusation of crime, other than a parent, guardian, or relative of the minor, shall be permitted to be present at any such session, except as a witness.

Cases in which the minor is detained and the sole allegation is that the minor is a person described in Section 600 shall be granted precedence on the calendar of the court for the day on which the case is set for hearing.

CHAPTER 186

An act to amend Section 1812.10 of the Civil Code, relating to venue.

[Approved by Governor June 16, 1969. Filed with Secretary of State June 16, 1969.]

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

SECTION 1. Section 1812.10 of the Civil Code is amended to read:

1812.10. An action on a contract or installment account under the provisions of this chapter shall be tried in the county in which the contract was in fact signed by the buyer, in the county in which the buyer resided at the time the contract was entered into, in the county in which the buyer resides at the commencement of the action, or in the county in which the goods purchased pursuant to such contract have been so affixed to real property as to become a part of such real property.

If within any such county there is a municipal or justice court, having jurisdiction of the subject matter, established in the city and county or judicial district in which the contract was in fact signed by the buyer, or in which the buyer resided at the time the contract was entered into, or in which the buyer resides at the commencement of the action or in which the goods purchased pursuant to such contract have been so affixed to real property as to become a part of such real property, then such court is the proper court for the trial of such action. Otherwise, any municipal or justice court in such county, having jurisdiction of the subject matter, is the proper court for the trial thereof.

In any action subject to the provisions of this section, concurrently with the filing of the complaint, the plaintiff shall file an affidavit stating facts showing that the action has been commenced in a county or judicial district described in this section as a proper place for the trial of the action. If a plaintiff fails to file the affidavit required by this section, the court shall, upon its own motion or upon motion of any party, dismiss any such action without prejudice.

CHAPTER 187

An act to add Section 34001.1 to the Vehicle Code, relating to cargo tank vehicles, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 16, 1969. Filed with Secretary of State June 16, 1969.]

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

SECTION 1. Section 34001.1 is added to the Vehicle Code, to read:

34001.1. Every county, city, district, public authority, or any other public entity in this state which owns or operates any cargo tank or tank vehicle shall pay to the State Fire Marshal the registration fees imposed by this division for the operation of cargo tanks for the biennial period commencing January 1, 1970, and for each biennial period thereafter. Such public entities shall make application for original or renewal of the registration of such cargo tanks for the biennial period commencing January 1, 1970, on or before November 1, 1969.

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

In order that the fees made applicable by this act to cargo tanks operated by public entities may be imposed for the biennial period commencing January 1, 1970, it is necessary that this act take effect immediately.

CHAPTER 188

An act to amend Section 25210.4 of the Government Code, relating to county service areas, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 16, 1969. Filed with Secretary of State June 16, 1969.]

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

SECTION 1. Section 25210.4 of the Government Code is amended to read:

25210.4. A county service area may be established under this chapter to provide any one or more of the following types of extended service within such area:

(a) Extended police protection.

(b) Structural fire protection.

(c) Local park, recreation or parkway facilities and services.

(d) Any other governmental services, hereinafter referred to as miscellaneous extended services, which the county is authorized by law to perform and which the county does not also perform to the same extent on a countywide basis both within and without cities, if:

(1) The board of supervisors determines that such services should be provided on an extended basis within a county service area; or

(2) Such services are specified in a request or a petition for the initiation of proceedings for the formation of a county service area or in a request or a petition for the initiation of proceedings for the furnishing of additional types of services within a county service area.

(e) Extended library facilities and services.

(f) Television translator station facilities and services, if:

(1) The number of translators to be erected by the service area will not exceed three.

(2) The number of television channels provided by the service area will not exceed three.

At the time of the adoption of the resolution of intention to establish a county service area the board of supervisors shall specify the type or types of services which are proposed to be provided within the area pursuant to this chapter.

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

Certain unincorporated areas of California are presently without any television communication, which significantly reduces their contact with urban society. The intense educational and recreational value of television, especially in rural and isolated areas of California, cannot be overestimated. It is essential that this form of communication, which practically all of our people enjoy, not be denied to an isolated few.

CHAPTER 189

An act to amend Sections 10140.6 and 10160 of, and to repeal Section 10164 of, the Business and Professions Code, relating to real estate licenses.

[Approved by Governor June 16, 1969. Filed with Secretary of State June 16, 1969.]

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

SECTION 1. Section 10140.6 of the Business and Professions Code is amended to read:

10140.6. A real estate licensee shall not publish, circulate, distribute, nor cause to be published, circulated, or distributed in any newspaper or periodical, or by mail any matter pertaining to any activity for which a real estate license is required which does not contain a designation disclosing that he is performing acts for which a real estate license is required.

The provisions of this section shall not apply to classified rental advertisements reciting the telephone number at the premises of the property offered for rent or the address of the property offered for rent.

SEC. 2. Section 10160 of the Business and Professions Code is amended to read:

10160. The real estate salesman's license shall remain in the possession of the licensed real estate broker employer until canceled or until the salesman leaves the employ of the broker, and the broker shall make his license and the licenses of his salesman available for inspection by the commissioner or his designated representative.

SEC. 3. Section 10164 of the Business and Professions Code is repealed.

CHAPTER 190

An act to amend Section 28103 of the Government Code, relating to fees of grand jurors

[Approved by Governor June 16, 1969. Filed with Secretary of State June 16, 1969]

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

SECTION 1. Section 28103 of the Government Code is amended to read:

28103. In a county of the third class each supervisor shall receive as compensation for the services required of him by law or by virtue of his office fourteen thousand five hundred dollars ($14,500) a year. All other officers shall receive as compensation for the services required of them by law or by virtue of their offices the salaries and fees fixed pursuant to the charter of the county.

The fees of grand jurors and trial jurors in the superior court are five dollars ($5) and necessary common carrier fare for each day's attendance upon the court or a session or committee meeting of the grand jury and are a charge against the county and paid from county funds unless deposited by litigants or otherwise provided for. Fees of jurors for services rendered in any calendar month are payable on or about the first day of the following month, as certified to by the district attorney as to grand jurors and as certified to by the clerk of the superior court as to trial jurors.

CHAPTER 191

An act to amend Section 11528 of the Government Code, relating to oaths and administrative adjudication.

[Approved by Governor June 16, 1969. Filed with Secretary of State June 16, 1969]

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

SECTION 1. Section 11528 of the Government Code is amended to read:

11528. In any proceedings under this chapter any agency, agency member, secretary of an agency, hearing reporter, or hearing officer has power to administer oaths and affirmations and to certify to official acts.

CHAPTER 192

An act to add Section 3671 to the Public Utilities Code, relating to the collection of charges by highway permit carriers.

[Approved by Governor June 16, 1969. Filed with Secretary of State June 16, 1969.]

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

SECTION 1 Section 3671 is added to the Public Utilities Code, to read:

3671. All complaints for the collection of lawful charges, or any part thereof, of highway permit carriers may be filed in any court of competent jurisdiction within three years from the time the cause of action accrues, and not thereafter; except that if a highway permit carrier presents its claim or demand in writing to the person from whom the lawful charges, or any part thereof, are alleged to be due within such period of three years, that period shall be extended to include six months from the date notice in writing is given to the highway permit carrier by such person of refusal to pay the demand, or any part thereof, specified in the notice of refusal.

CHAPTER 193

An act to amend Sections 9351, 9351.3, 9353.6, 9357, 9357.1, 9357.2, 9359 95, 9360 6, and 9360.7 of, and to add Sections 9350.55, 9350.56, 9355.45, 9356.15, 9357.05, 9357.15, 9359.03, 9359 10 and 9359.17 to, the Government Code, relating to the Legislators' Retirement System.

[Approved by Governor June 16, 1969. Filed with Secretary of State June 16, 1969]

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

SECTION 1. Section 9350.55 is added to the Government Code, to read:

9350.55. "Legislative statutory officer" means any of the following officers who has 10 or more years' full-time state service: (a) the Secretary of the Senate, (b) the Chief Clerk of the Assembly, (c) the Sergeant at Arms of the Senate, and (d) the Sergeant at Arms of the Assembly.

SEC. 2. Section 9350.56 is added to the Government Code, to read:

9350.56. "State service," within the meaning of Sections 9350.55 and 9356.15, means employment with the Legislature or either house thereof as an officer or employee.

SEC. 3. Section 9351 of the Government Code is amended to read:

9351. "Service" means the period of time, computed in years and fractions thereof, a member has held office as a Member of the Senate or of the Assembly or as an elective officer of the state in any office provided for by the Constitution, except that of judge. "Service," with respect to a legislative statutory officer, shall be construed to refer to "state service," as defined in Section 9350.56

In computing years of service under this act, each full term served as a Member of the Senate shall be deemed to constitute four (4) calendar years, each full term served as a Member of the Assembly shall be deemed to constitute two (2) calendar years, and each period of service from the commencement of one general session of the Legislature to the commencement of the next, prior to the term commencing in 1967, shall be deemed to constitute two (2) calendar years. Commencing in 1967, each period of service from the commencement of one regular session of the Legislature to the commencement of the next shall be deemed to constitute one (1) calendar year. Each full term served as an elective officer of the state whose office is provided for by the Constitution shall be deemed to constitute four (4) calendar years.

SEC 4. Section 9351 3 of the Government Code is amended to read:

9351.3. "Legislator" means a Member of the Assembly or a Member of the Senate, an elective officer of the state whose office is provided by the Constitution, or a legislative statutory officer.

SEC. 5. Section 9353 6 of the Government Code is amended to read:

9353.6. The Chief Clerk of the Assembly shall give the board immediate written notice of the change in status of any legislative statutory officer elected by the Assembly or Member of the Assembly resulting from induction into office, resignation, expulsion, death, or any other circumstances terminating his office as Member of the Assembly, or as such a legislative statutory officer, and the Secretary of the Senate shall give the board immediate written notice of any such change in status of any Member of the Senate or legislative statutory officer elected by the Senate. The Secretary of State shall give the board immediate written notice of any such change in status of any elective state officer who is eligible to membership in the system.

SEC. 6. Section 9355.45 is added to the Government Code, to read:

9355.45. Every legislative statutory officer may become a member of this system. Every such officer in office at the time this section becomes effective may, within 90 days after the effective date, file with the board a written election to become a member of this system. Every such officer, elected after the effective date of this section, may file an election within 90 days after the commencement of the first term of office for which he is elected after attaining status as a legislative statutory officer. Upon the filing of the election he becomes a member of this system on the first day of the month following the filing of the election.

SEC. 7. Section 9356.15 is added to the Government Code, to read:

9356.15. Any person who is a member of the system pursuant to Section 9355.45 may also receive credit for state service prior to the date he became a member, whether such service was rendered before or after the operative date of this section, provided that he makes the contributions required by Section 9357.2, but at the rate of 6½ percent. If he elects to make such contribution with respect to service credited under the Public Employees' Retirement System, he shall receive a refund of his accumulated contributions in that system with respect to all of his state service.

SEC. 8. Section 9357 of the Goverment Code is amended to read:

9357. Except as provided in Section 9357.05, for each year of service rendered after the date this chapter becomes operative each legislator who is a member of this system shall contribute 4 percent of his compensation as legislator. Such contributions shall be paid as provided in Section 9357.1.

SEC. 9. Section 9357.05 is added to the Government Code, to read:

9357.05. Each person who is a member of the system pursuant to Section 9355.45 shall contribute 6½ percent of his compensation for each year of service rendered as a member of the system Such contributions shall be paid as provided in Section 9357.15.

SEC. 10. Section 9357.1 of the Government Code is amended to read:

9357.1. Immediately upon receipt of the written election of a legislator to become a member of this system, the Board of Administration shall certify to the State Controller the name of such member. Except as provided in Section 9357.15, the Controller shall deduct 4 percent from each warrant drawn in payment of compensation to the member, and shall remit such amount to the Board of Administration, to be deposited in the Legislators' Retirement Fund.

SEC. 11. Section 9357.15 is added to the Government Code, to read:

9357.15. With respect to each person who is a member of the system pursuant to Section 9355.45, the Controller shall deduct 6½ percent from each warrant drawn in payment of

compensation to such member, and shall remit such amount to the Board of Administration, to be deposited in the Legislators' Retirement Fund.

SEC. 12. Section 9357.2 of the Government Code is amended to read:

9357.2. Except as provided for by Section 9356.15, any member who rendered service prior to the date he became a member may elect, at any time prior to retirement, to contribute to the Legislators' Retirement Fund for each year or fraction thereof for which he desires to receive credit for service, 4 percent of the compensation received by him in respect to such service.

Such contributions may be paid by lump sum payment or by installment payments over a period not in excess of the length of time for which the member has elected to receive credit for such prior service, at times and in a manner fixed by the board. No member shall receive credit for any service for which he has not contributed as required by this chapter.

SEC. 13. Section 9359.03 is added to the Government Code, to read:

9359.03. If a person qualifies to retire as a legislative statutory officer, and has held more than one of the offices enumerated in Section 9350.55, his benefits payable under this chapter shall be computed on the basis of the office having the higher salary.

SEC. 14. Section 9359.10 is added to the Government Code, to read:

9359.10. The retirement allowance for a legislative statutory officer is an annual amount equal to 3 percent of the compensation payable to him at the time he vacates his legislative statutory office or payable to the incumbent of that legislative statutory office at the time payments of the allowance fall due, whichever is higher, multiplied by the number of years of service with which the legislative statutory officer is entitled to be credited at the time of his retirement. In no event shall the allowance payable under this section exceed two-thirds of the compensation payable to the legislative statutory officer at the time he vacates his legislative statutory office or two-thirds of the compensation payable to the incumbent of that legislative statutory office at the time payments of the allowance fall due, whichever is the higher; provided, however, such allowance shall be further adjusted to reflect cost-of-living increases occurring after the retirement of the legislative statutory officer as determined under Section 9360.10 without respect to the limitations set forth in this section.

If a legislative statutory officer is entitled to a retirement allowance under any other state administered public retirement system, and his total retirement allowances under both systems exceed the maximum allowance to which he would be entitled under this section with 20 years service in his legislative statutory office, the allowance payable to him under this section shall be reduced to such amount that it, combined

with the retirement allowance to which he is entitled under the other system, does not exceed the maximum allowance to which he would be entitled under this section with 23⅓ years service in his legislative statutory office.

SEC. 15. Section 9359.17 is added to the Government Code, to read:

9359.17. Notwithstanding the provisions of Section 9359, a legislative statutory officer who has attained the age of 55 shall be retired upon his written application therefor to the Board of Administration, and shall thereafter receive for life the retirement allowance provided by Section 9359.10.

SEC. 16. Section 9359.95 of the Government Code is amended to read:

9359.95. In addition to any other benefits provided for in this chapter, upon the death, on or after January 1, 1959, and before retirement, of any member who, at the time of his death was a Member of the Legislature or legislative statutory officer, there shall be paid to his beneficiary, if he has designated one, and if not, to his estate, an amount equal to the annual compensation payable to a Member of the Legislature or legislative statutory officer, as the case may be, during the 12 months immediately preceding his death.

SEC. 17. Section 9360 6 of the Government Code is amended to read:

9360.6. The disability allowance for other than legislative statutory officers is the same as the retirement allowance provided in Section 9359.1, and shall be paid regardless of the age of the member at the time of his retirement for disability. The disability retirement allowance for legislative statutory officers is the same as the retirement allowance provided in Section 9359.10, and shall be paid regardless of the age of the member at the time of his retirement for disability.

SEC. 18. Section 9360 7 of the Government Code is amended to read:

9360.7. Any Member of the Senate or Assembly, or any person who is a member of the system pursuant to Section 9355.45, who after the effective date of this section retires for service or disability shall receive the retirement allowance provided by this chapter unmodified by any optional settlement elected pursuant to Article 7 (commencing with Section 9361) of this chapter

The surviving spouse of such a member who dies after retirement may elect to receive an allowance under this section. Any surviving spouse making such election shall receive an allowance equal to one-half of the retirement allowance, unmodified by any optional settlement which would be payable to the member were he living and retired under this chapter.

The surviving spouse of a member who is a Member of the Senate or Assembly or legislative statutory officer and who dies before retirement but after becoming eligible for retirement may elect to receive an allowance under this section. Any surviving spouse making such election shall receive an allow-

ance equal to one-half of the amount of the retirement allowance, unmodified by any optional settlement, that would be payable to the member were he living and retired under this chapter.

The election provided for in this section shall be made by a writing filed with the board within 60 days after the death of the member.

The allowance to a surviving spouse provided by this section is payable commencing upon the death of the member and continuing until the death or remarriage of the surviving spouse. If pursuant to this section, an allowance is paid to a surviving spouse, no payment shall be made pursuant to Section 9359.8 or pursuant to Article 7 (commencing with Section 9361) of this chapter.

CHAPTER 194

An act to amend Sections 25545.29 and 25545.36 of the Education Code, Section 54382 of the Government Code, Sections 6646 and 6649 of the Health and Safety Code, Sections 5784.22 and 5784.24 of the Public Resources Code, and Section 52104 of the Water Code, relating to local bonds and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 16, 1969. Filed with Secretary of State June 16, 1969.]

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

SECTION 1. Section 25545.29 of the Education Code is amended to read:

25545.29. Bonds shall bear interest at a rate of not to exceed 7 percent per annum, payable annually or semiannually or in part annually and in part semiannually.

SEC. 2. Section 25545.36 of the Education Code is amended to read:

25545.36. Bonds may be sold at either public or private sale. The board may fix terms and conditions for the sale or other disposition of any authorized issue of bonds. The county treasurer, when authorized by resolution of the board, may sell bonds at less than their par or face value, but no bond may be sold at a price below the par or face value thereof which would result in a sale price yielding to the purchaser an average of more than 7 percent per annum, payable semiannually, according to standard tables of bond values.

SEC. 3. Section 54382 of the Government Code is amended to read:

54382. The resolution shall:

(a) State the purpose for which the bonds are proposed to be issued.

(b) State the estimated cost of the acquisition, construction, improvement and financing.

(c) State the principal amount of the bonds.

(d) State the maximum rate of interest on the bonds, which shall not exceed 7 percent a year, payable annually or semiannually.

(e) Fix the election date.

(f) Fix the manner of holding the election.

(g) Fix the manner of voting on the issuance of the bonds

(h) State that in all other particulars the election shall be held and the votes canvassed pursuant to law for general municipal elections in such local agencies.

SEC. 4. Section 6646 of the Health and Safety Code is amended to read:

6646. The bonds shall be payable in lawful money of the United States at the office of the treasurer and bear interest at a rate not exceeding 7 percent per annum, payable semiannually in like lawful money. The interest for the first year may be payable in one installment at the end of such year, or the interest for the period from the date of the bonds to a date not later than 30 days after the date the second installment of the first district taxes levied after the date of said bonds will become delinquent may be payable in one installment at the end of such period.

SEC. 5. Section 6649 of the Health and Safety Code is amended to read:

6649. The bonds shall be sold by the board in such manner and in such quantities as may be determined by it in its discretion but not less than 95 percent of the par value thereof.

Before selling the bonds, or any part thereof, the board shall give notice inviting sealed bids in such manner as the board 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 again give notice inviting bids or sell the bonds at private sale.

SEC. 6. Section 5784.22 of the Public Resources Code is amended to read:

5784.22. The district may acquire all necessary and proper lands and facilities, or any portion thereof, by means of a plan to borrow money or by purchase on contract. The amount of indebtedness to be incurred shall not exceed an amount equal to the anticipated tax income for a two-year period, and all such indebtedness which is incurred on or after October 1, 1963 shall be repaid in approximately equal annual installments during a period not to exceed 10 years from the date on which it is incurred and shall bear interest at a rate not exceeding 7 percent per annum payable annually or semiannually or in part annually and in part semiannually. Each such indebtedness shall be authorized by a resolution adopted by the affirmative votes of at least four-fifths of the members of the district board and shall be evidenced by a promissory note or contract signed by at least four-fifths of the members of the

district board. At the time of making the general tax levy after incurring each such indebtedness and annually thereafter until such indebtedness is paid or until there is a sum in the treasury set apart for that purpose sufficient to meet all payments of principal and interest on such indebtedness as they become due, a tax shall be levied and collected sufficient to pay the interest on such indebtedness and such part of the principal as will become due before the proceeds of a tax levied at the next general tax levy will be available. The indebtedness authorized to be incurred by this section shall be in addition to, and the provisions of this section shall not apply to, any bonded indebtedness authorized by vote of the electors.

SEC. 7. Section 5784.24 of the Public Resources Code is amended to read:

5784.24. The resolution calling an election upon the issuance of bonds shall specify the date of the election, the amount of the bonds to be issued, the rate of interest or a maximum rate to be paid thereon, such rate or maximum rate not to exceed 7 percent per annum, and the nature of the proposed structure or improvement or of the property to be acquired, and such resolution shall be published as a notice of the election, in accordance with the provisions of Sections 58006 and 58007 of the Government Code.

SEC. 8. Section 52104 of the Water Code is amended to read:

52104. Bonds shall bear interest at a rate not to exceed 7 percent per year, payable on the first day of January and the first day of July in each year at the office of the county treasurer upon the presentation of the proper coupons therefor.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There is a great need for financing of badly needed public improvements, particularly where flooding damage is extensive, 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.

CHAPTER 195

An act to amend Section 98261 of the Public Utilities Code, relating to temporary borrowing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 16, 1969. Filed with Secretary of State June 16, 1969.]

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

SECTION 1. Section 98261 of the Public Utilities Code is amended to read:

98261. The board of directors of a district may, within a period of two years from and after the formation of the district, pursuant to a resolution adopted by it for the purpose, borrow money on certificates of indebtedness, promissory notes or other evidences of indebtedness, in anticipation of the estimated tax revenue for the following fiscal year, to be repaid within four years from the date of borrowing with interest at a rate not to exceed 6 percent per annum, in order to enable the district to meet all of its necessary initial expenses of organization, construction, acquisition, maintenance, and operation. The total amount of money borrowed and indebtedness incurred under this section during this two-year period shall not exceed 50 percent of the total amount of estimated tax revenue as estimated by the county auditor of the county in which the district lies for the following fiscal year. A district may borrow in anticipation of estimated tax revenues for the following fiscal year prior to the actual commencement of such year. The district may also borrow money pursuant to the procedure described above in anticipation of estimated tax revenues for the fiscal year next succeeding the fiscal year immediately following the fiscal year in which the district is formed

The form of said notes and the proceedings relating to their issuance and sale, will be governed by the applicable provisions contained in Article 7 (commencing with Section 53820) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government 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:

The Santa Cruz Metropolitan Transit District, to which solely this matter relates, requires temporary financing in order to go into immediate operation to implement transportation programs vitally required by the area.

CHAPTER 196

An act to amend Sections 7 1 and 12 of the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944, Second Extraordinary Session), relating to the Ventura County Flood Control District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 16, 1969. Filed with Secretary of State June 16, 1969.]

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

SECTION 1. Section 7.1 of the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944, Second Extraordinary Session) is amended to read:

Sec. 7.1. In addition to the powers described in Section 7 of this act, the district shall have the power by ordinance or resolution to prescribe, revise and collect fees and charges in any zone and in any special zone as a condition of development of land. Land to be developed within a special zone shall be subject both to the fees and charges of the zone in which it is located and the fees and charges of the special zone in which it is located. Development of land for the purposes of this section shall include, but not be limited to, subdivision development as governed by the Subdivision Map Act; construction of new buildings, structures and improvements for residential, commercial or industrial purposes; and any development of land requiring either zone variance or special use permit. The amount of fees and charges levied for each zone and for each special zone shall be determined separately and shall be based upon the need created by development of land for flood control facilities within the zone or special zone. The amount of fees and charges levied for any zone, other than a special zone, shall not exceed four hundred dollars ($400) for each acre or portion thereof of land to be developed. Fees and charges prescribed as a condition of development of land pursuant to this section shall be in addition to any other conditions imposed on such development by any other agency having power to prescribe such other conditions. Except as hereinafter provided, revenues derived from fees and charges prescribed for any zone may be used only for the acquisition, engineering, design, construction, reconstruction, maintenance or operation of flood control or storm drainage facilities within such zone, or within any special zone located in such zone, or used to pay the interest on or reduce the principal of any bonded indebtedness of such zone. At the discretion of the board of supervisors, all or part of fees and charges prescribed for any zone which are collected as a condition of development of land located within a special zone may be used to pay the interest on or reduce the principal of any bonded indebtedness of such special zone. Except as hereinafter provided, revenues derived from fees and charges prescribed for any special zone shall be used only for the acquisition, engineering, design, construction, reconstruction, maintenance or operation of flood control or storm drainage facilities within such special zone or used to pay the interest on or reduce the principal of any bonded indebtedness of such special zone. At the discretion of the board of supervisors, all or part of fees and charges prescribed for any zone or special zone need not be collected as a condition of development of land located within a protection district established under the Protection District Act of 1907 or if collected from such land, all or part of such fees may be remitted to the pro-

tection district to be used to pay the interest on or reduce the principal of any bonded indebtedness of such protection district. Whenever the development of land within any zone or within any special zone is made subject to fees or charges by the board of supervisors pursuant to this section, said board of supervisors may allow a credit against such fees for the acquisition, engineering, design, construction, reconstruction, maintenance or operation costs of any flood control or storm drainage facility within such zone or special zone which has been constructed or paid for in connection with the development of land within such zone or special zone. The board of supervisors may also reduce fees or charges prescribed for any part of the land to be developed within such zone or special zone if they find that because of special circumstances the payment thereof would be inequitable or would cause undue hardship and the reduction of such fees would be in the public interest. The consent and approval of the legislative body of a city shall be necessary before any fees or charges may be levied on the development of land located within the corporate boundaries of a city which are higher than any fees or charges levied on the development of land located outside the corporate boundaries of such city.

SEC. 2. Section 12 of the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944, Second Extraordinary Session) is amended to read:

Sec. 12. The board of supervisors of said district shall have power, in any year:

1. To levy an ad valorem tax or assessment upon all taxable property in the district to pay the costs and expenses of said Ventura County Flood Control District and to carry out any of the objects or purposes of this act of common benefit to the district as a whole, and

2. To levy an ad valorem tax or assessment upon all taxable property in each or any of said zones, according to the benefits derived or to be derived by said respective zones, to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to said respective zones, including the constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements within said respective zones. It is declared that all property within a given zone is equally benefited under this act.

Said taxes or assessments shall be levied and collected together with, and not separately from, taxes for county purposes, and the revenues derived from said taxes shall be paid into the county treasury to the credit of said district, and said board of supervisors shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes or assessments levied under the provisions of subdivision 2 of this section shall be expended for constructing, maintaining, operating, extending, repairing

or otherwise improving any works or improvements located in any other zone except as provided in Section 14 hereof; and provided further, however, that the aggregate taxes or assessments levied under this act for any one fiscal year shall not exceed forty-three cents ($0.43) on each one hundred dollars ($100) of the assessed valuation of the taxable property in zone 1 until July 1, 1971, and thereafter shall not exceed twenty cents ($0.20) on each one hundred dollars ($100) of the assessed valuation on the taxable property in zone 1, shall not exceed forty cents ($0.40) on each one hundred dollars ($100) of the assessed valuation of the taxable property in zones 2 and 4, shall not exceed twenty-seven cents ($0.27) on each one hundred dollars ($100) of the assessed valuation of the taxable property in zone 3, and shall not exceed one dollar ($1) on each one hundred dollars ($100) of the assessed valuation of the taxable property in any special zone in addition to the aggregate taxes or assessments levied for zone 1, 2, 3 or 4 and exclusive of any tax or assessment levied to pay the cost and expenses of any project or facility for importing water into the district or to meet any bonded indebtedness of said zones or district and the interest thereon.

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 recent extensive flood damage in zone 1 of the Ventura County Flood Control District, the provisions of this act are urgently needed to permit the district to pay the cost and expense of carrying out the objects and purposes of the Ventura County Flood Control Act of special benefit to said zone 1, including the constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements within said zone 1, for the preservation of the public health and safety.

CHAPTER 197

An act to add Section 5783.13 to the Public Resources Code, relating to the Russian River Recreation and Park District.

[Approved by Governor June 16, 1969. Filed with Secretary of State June 16, 1969.]

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

SECTION 1. Section 5783.13 is added to the Public Resources Code, to read:

5783.13. Notwithstanding any other provision of this chapter, the district board of the Russian River Recreation and Park District, in Sonoma County, may provide, by resolution, that henceforth all of the members of the board of directors shall be elected. Not less than 20 days nor more than

40 days after the adoption of the resolution the district board shall call an election in accordance with this article for the election of members of the board of directors.

At such election the three nominees receiving the largest vote shall be considered as having been elected for a term ending upon the date of the second succeeding general district election. The two nominees receiving the fourth and fifth largest number of votes shall be considered as having been elected for a term ending upon the date of the next general district election. In all subsequent elections, members of the board of directors shall be elected for four-year terms.

Upon the qualification of the members of the board of directors, elected in accordance with the provisions of this section, the terms of all members of the appointed board of directors shall expire.

Any vacancy in the office of a member elected to the district board pursuant to this section shall be filled in the manner prescribed by Section 5781.13.

CHAPTER 198

An act to add Section 23.2 to the Riverside County Flood Control and Water Conservation District Act (Chapter 1122 of the Statutes of 1945), relating to the Riverside County Flood Control and Water Conservation District.

[Approved by Governor June 16, 1969. Filed with Secretary of State June 16, 1969.]

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

SECTION 1. Section 23.2 is added to the Riverside County Flood Control and Water Conservation District Act (Chapter 1122 of the Statutes of 1945), to read:

Sec. 23.2. Said board of supervisors shall have the power to fix a charge in each fiscal year representing a drainage standby or availability assessment of not to exceed ten dollars ($10) per year per acre for each parcel of land of one half acre or more, or five dollars ($5) per year for each parcel of land less than one half acre within the district to which drainage is made available by the district. The board of supervisors may restrict such assessment to lands lying within one or more improvement districts within the district.

Prior to fixing such charge, the board of supervisors shall cause a written report to be prepared and filed with the county clerk which shall contain a description of each parcel of real property and the amount of the proposed assessment for each parcel for the year.

The county clerk shall cause notice of the filing of the report and of a time and place of hearing thereon to be published, pursuant to Section 6066 of the Government Code, prior to the date set for hearing, in a newspaper of general circulation printed and published within the district, and shall cause a notice in writing of the filing of the report to be mailed to each

person to whom any parcel or parcels of real property described in such report is assessed in the last equalized assessment roll or as known to the county clerk.

At the time stated in the notice, the board of supervisors shall hear and consider all objections or protests, if any, to the report referred to in the notice and may continue the hearing from time to time. Upon the conclusion of the hearing, the board of supervisors may adopt, revise, change, reduce, or modify an assessment or overrule any or all objections. The board of supervisors shall make its determination upon each assessment as described in the report, which shall be final, and may make appropriate adjustments that may be necessary as a result of the equalization of the assessment roll subsequent to the filing of the report.

On or before the fourth Monday of August of each year following such final determination, the county clerk shall file with the county auditor a copy of the report with a statement endorsed thereon over his signature that it has been finally adopted by the board of supervisors and the auditor shall enter the amounts of the assessment against the respective lots or parcels of land as they appear on the current assessment roll.

The amount of the assessments shall constitute a lien against the lot or parcel of land against which the assessment has been imposed as of 12:01 a.m. on the first day of March immediately preceding the date of levy.

The amount of the assessment shall be levied and collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for the district, and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties. All laws applicable to the levy, collection and enforcement of general taxes of the district, including, but not limited to, those pertaining to the matters of delinquency, correction, cancellation, refund, and redemption, are applicable to such assessments.

CHAPTER 199

An act to amend the heading of Article 4 (commencing with Section 1560) of Chapter 2 of Division 11 of, and to amend Sections 1560, 1561, and 1565 of, the Evidence Code, relating to production of business records.

[Approved by Governor June 16, 1969. Filed with Secretary of State June 16, 1969.]

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

SECTION 1. The heading of Article 4 (commencing with Section 1560) of Chapter 2 of Division 11 of the Evidence Code is amended to read:

Article 4. Production of Business Records

SEC. 2. Section 1560 of the Evidence Code is amended to read:

1560. (a) As used in this article:

(1) "Business" includes every kind of business described in Section 1270.

(2) "Record" includes every kind of record maintained by such a business.

(b) Except as provided in Section 1564, when a subpoena duces tecum is served upon the custodian of records or other qualified witness of a business in an action in which the business is neither a party nor the place where any cause of action is alleged to have arisen, and such subpoena requires the production of all or any part of the records of the business, it is sufficient compliance therewith if the custodian or other qualified witness, within five days after the receipt of such subpoena, delivers by mail or otherwise a true, legible, and durable copy of all the records described in such subpoena to the clerk of court or to the judge if there be no clerk or to such other person as described in subdivision (a) of Section 2018 of the Code of Civil Procedure, together with the affidavit described in Section 1561.

(c) The copy of the records shall be separately enclosed in an inner envelope or wrapper, sealed, with the title and number of the action, name of witness, and date of subpoena clearly inscribed thereon; the sealed envelope or wrapper shall then be enclosed in an outer envelope or wrapper, sealed, directed as follows:

(1) If the subpoena directs attendance in court, to the clerk of such court, or to the judge thereof if there be no clerk.

(2) If the subpoena directs attendance at a deposition, to the officer before whom the deposition is to be taken, at the place designated in the subpoena for the taking of the deposition or at his place of business

(3) In other cases, to the officer, body, or tribunal conducting the hearing, at a like address

(d) Unless the parties to the proceeding otherwise agree, or unless the sealed envelope or wrapper is returned to a witness who is to appear personally, the copy of the records shall remain sealed and shall be opened only at the time of trial, deposition, or other hearing, upon the direction of the judge, officer, body, or tribunal conducting the proceeding, in the presence of all parties who have appeared in person or by counsel at such trial, deposition, or hearing. Records which are not introduced in evidence or required as part of the record shall be returned to the person or entity from whom received.

SEC. 3. Section 1561 of the Evidence Code is amended to read:

1561. (a) The records shall be accompanied by the affidavit of the custodian or other qualified witness, stating in substance each of the following:

(1) The affiant is the duly authorized custodian of the records or other qualified witness and has authority to certify the records.

(2) The copy is a true copy of all the records described in the subpoena.

(3) The records were prepared by the personnel of the business in the ordinary course of business at or near the time of the act, condition, or event.

(b) If the business has none of the records described, or only part thereof, the custodian or other qualified witness shall so state in the affidavit, and deliver the affidavit and such records as are available in the manner provided in Section 1560.

SEC. 4. Section 1565 of the Evidence Code is amended to read:

1565. If more than one subpoena duces tecum is served upon the custodian of records or other qualified witness and the personal attendance of the custodian or other qualified witness is required pursuant to Section 1564, the witness shall be deemed to be the witness of the party serving the first such subpoena duces tecum.

CHAPTER 200

An act to amend Section 5782.20 of the Public Resources Code, relating to recreation and park districts.

[Approved by Governor June 16, 1969 Filed with Secretary of State June 16, 1969]

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

SECTION 1. Section 5782.20 of the Public Resources Code is amended to read:

5782.20. All or any of the members of the district board may be recalled at any time by the voters by following the recall procedure set forth in Chapter 2 (commencing with Section 27200), Division 14 of the Elections Code.

CHAPTER 201

An act to amend Section 597 of the Code of Civil Procedure, relating to trials.

[Approved by Governor June 16, 1969 Filed with Secretary of State June 16, 1969.]

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

SECTION 1. Section 597 of the Code of Civil Procedure is amended to read:

597. When the answer pleads that the action is barred by the statute of limitations, or by a prior judgment, or that

another action is pending upon the same cause of action, or sets up any other defense not involving the merits of the plaintiff's cause of action but constituting a bar or ground of abatement to the prosecution thereof, the court may, upon the motion of either party, proceed to the trial of such special defense or defenses before the trial of any other issue in the case, and if the decision of the court, or the verdict of the jury, upon any special defense so tried (other than the defense of another action pending) is in favor of the defendant pleading the same, judgment for such defendant shall thereupon be entered and no trial of other issues in the action shall be had unless such judgment shall be reversed on appeal or otherwise set aside or vacated; and where the defense of another action pending is sustained (and no other special defense is sustained) an interlocutory judgment shall be entered in favor of the defendant pleading the same to the effect that no trial of other issues shall be had until the final determination of such other action, and the plaintiff may appeal from such interlocutory judgment in the same manner and within the same time as is now or may be hereafter provided by law for appeals from judgments. If the decision of the court, or the verdict of the jury, upon the special defense or defenses so tried shall be in favor of the plaintiff, trial of the other issues shall thereafter be had upon the motion of either party, and judgment shall be entered thereon in the same manner and with the same effect as if all the issues in the case had been tried at one time. In such event any and all decisions or verdicts upon such special defense or defenses, and all rulings on the trial thereof shall be deemed excepted to and may be reviewed on motion for a new trial or upon appeal from such judgment.

The provisions of this section shall also apply to the trial of special defenses pleaded in an answer to a cross-complaint, and if the decision of the court or the verdict of the jury upon the special defense or defenses shall be in favor of the cross-defendant, no further trial shall be had upon the issues raised by the cross-complaint, but trial of the other issues in the action shall thereafter be had upon the motion of either party, and after the trial thereof such judgment shall be entered in the action as shall be justified by the decision or verdict on such other issues, considered in connection with the decision or verdict upon the trial of such affirmative defense raised in the answer to the cross-complaint.

CHAPTER 202

An act to amend Section 6447 of the Streets and Highways Code, relating to Improvement Act of 1911.

[Approved by Governor June 16, 1969. Filed with Secretary of State June 16, 1969.]

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

SECTION 1. Section 6447 of the Streets and Highways Code is amended to read:

6447. The owner of or any person interested in any lot or parcel of land upon which a bond has been issued under the terms of this division may at any time before commencement of proceedings for sale pay off the bond and discharge the land described in the bond from the lien of the assessment. The discharge may be had by paying to the treasurer, for the holder of the bond, the following sums: (a) the unpaid principal sum thereof; (b) if the interest thereon has already been paid to the next succeeding January 2 or July 2, as the case may be, no interest will be payable; (c) if the interest to the next succeeding January 2 or July 2 has not been paid, then the interest to that January 2 or July 2, as the case may be, shall be payable; (d) all penalties accrued and unpaid; and (e) premium, if any, required by Section 6464. For the purpose of this section, a bond shall be deemed to be issued on the 31st day after the recordation of the warrant upon any unpaid assessment for which the legislative body has provided for the issuance of a bond to represent said unpaid assessment or the last date for payment of the assessment, as specified in the statement required by Section 5390, whichever may be later.

CHAPTER 203

An act to amend Sections 213.7 and 214.8 of the Revenue and Taxation Code, relating to property tax exemptions.

[Approved by Governor June 16, 1969. Filed with Secretary of State June 16, 1969.]

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

SECTION 1. Section 213.7 of the Revenue and Taxation Code is amended to read:

213.7. As used in Section 214, "property used exclusively for religious, hospital, scientific or charitable purposes" shall include the property of a volunteer fire department which is used exclusively for volunteer fire department purposes; provided that the department qualifies for exemption under Section 23701d or 23701f of this code or under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1954. This section shall not be construed to enlarge the "welfare exemption" to apply to organizations qualified under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code, but not otherwise qualified for the "welfare exemption" under other provisions of this code.

As used in this section, "volunteer fire department" means any fund, foundation or corporation regularly organized for

volunteer fire department purposes, which qualified as an exempt organization on or before January 1, 1969, under Section 23701d or 23701f of this code or under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1954, having official recognition and full or partial support of the government of the county, city or district in which such volunteer fire department is located, and which has functions having an exclusive connection with the prevention and extinguishing of fires within the area of the county, city or district extending official recognition for the benefit of the public generally and to lessen the burdens of the entity of government which would otherwise be obligated to furnish such fire protection.

SEC. 2. Section 214.8 of the Revenue and Taxation Code is amended to read:

214.8. Except as provided in Sections 213.7 and 231, the "welfare exemption" shall not be granted to any organization which is not qualified as an exempt organization under Section 23701d of the Revenue and Taxation Code or Section 501(c)(3) of the Internal Revenue Code of 1954. This section shall not be construed to enlarge the "welfare exemption" to apply to organizations qualified under Section 501(c)(3) of the Internal Revenue Code of 1954 but not otherwise qualified for the "welfare exemption" under other provisions of this code.

CHAPTER 204

An act to amend Section 647 of the Penal Code, relating to loitering.

[Approved by Governor June 16, 1969. Filed with Secretary of State June 16, 1969.]

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

SECTION 1. Section 647 of the Penal Code is amended to read:

647. Every person who commits any of the following acts shall be guilty of disorderly conduct, a misdemeanor:

(a) Who solicits anyone to engage in or who engages in lewd or dissolute conduct in any public place or in any place open to the public or exposed to public view.

(b) Who solicits or who engages in any act of prostitution. As used in this subdivision, "prostitution" includes any lewd act between persons of the same sex for money or other consideration.

(c) Who accosts other persons in any public place or in any place open to the public for the purpose of begging or soliciting alms.

(d) Who loiters in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd or lascivious or any unlawful act.

(e) Who loiters or wanders upon the streets or from place to place without apparent reason or business and who refuses to identify himself and to account for his presence when requested by any peace officer so to do, if the surrounding circumstances are such as to indicate to a reasonable man that the public safety demands such identification.

(f) Who is found in any public place under the influence of intoxicating liquor, or any drug, or the influence of toluene or any substance defined as a poison in Schedule D of Section 4160 of the Business and Professions Code, or under the influence of any combination of any intoxicating liquor, drug, toluene or any such poison, in such a condition that he is unable to exercise care for his own safety or the safety of others, or by reason of his being under the influence of intoxicating liquor, or any drug, or the influence of toluene or any substance defined as a poison in Schedule D of Section 4160 of the Business and Professions Code, or under the influence of any combination of any intoxicating liquor, drug, toluene or any such poison, interferes with or obstructs or prevents the free use of any street, sidewalk or other public way.

(g) Who loiters, prowls or wanders upon the private property of another, in the nighttime, without visible or lawful business with the owner or occupant thereof.

(h) Who, while loitering, prowling or wandering upon the private property of another, in the nighttime, peeks in the door or window of any inhabited building or structure located thereon, without visible or lawful business with the owner or occupant thereof.

(i) Who lodges in any building, structure or place, whether public or private, without the permission of the owner or person entitled to the possession or in control thereof.

CHAPTER 205

An act to amend Section 12301 of the Penal Code, relating to destructive devices.

[Approved by Governor June 16, 1969. Filed with Secretary of State June 16, 1969.]

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, explosive 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 0.60 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.

CHAPTER 206

An act to amend Section 13844 of the Health and Safety Code, relating to fire protection districts.

[Approved by Governor June 16, 1969. Filed with Secretary of State June 16, 1969.]

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

SECTION 1. Section 13844 of the Health and Safety Code is amended to read:

13844. Each member of the district board shall receive such sum as may be fixed by the board, not exceeding twenty dollars ($20), for each meeting of the district board attended by him, not exceeding four meetings in any calendar month. Such sum shall be based on the board's determination of what amount is reasonably necessary to compensate board members for their attendance at meetings.

SEC. 2. This act shall remain in effect until the 91st day after the final adjournment of the 1971 Regular Session of the Legislature, and shall have no force or effect after that date. Upon the termination date of this act the compensation of a member of a fire protection board shall be that prescribed prior to the enactment of this act.

CHAPTER 207

An act to repeal Section 21958 of the Vehicle Code, relating to pedestrians.

[Approved by Governor June 16, 1969. Filed with Secretary of State June 16, 1969.]

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

SECTION 1. Section 21958 of the Vehicle Code is repealed.

CHAPTER 208

An act to amend Section 22051 of the Financial Code, relating to personal property brokers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 16, 1969. Filed with Secretary of State June 16, 1969.]

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

SECTION 1. Section 22051 of the Financial Code is amended to read:

22051. This division does not apply to the following:

(a) Any nonprofit cooperative association organized under Chapter 1 (commencing with Section 54001) of Division 20 of the Agricultural Code, in loaning or advancing money in connection with any activity mentioned therein.

(b) Any corporation, association, syndicate, joint stock company, or partnership engaged exclusively in the business of marketing agricultural, horticultural, viticultural, dairy, livestock, poultry, or bee products on a cooperative nonprofit basis in loaning or advancing money to the members thereof or in connection with any such business

(c) Any corporation securing money or credit from any federal intermediate credit bank organized and existing pursuant to the provisions of an act of Congress entitled "Agricultural Credits Act of 1923," in loaning or advancing money or credit so secured.

(d) Any corporation created pursuant to the provisions of Part 4 (commencing with Section 14000) of Division 3 of Title 1 of the Corporations Code.

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

Under existing law a California job development corporation may be required to obtain a license under the Personal Property Brokers Law in order to make certain loans in furtherance of the purposes of the California Job Development Corporation Law. Since such corporations are extensively regulated under the latter law, the additional requirements of the Personal Property Brokers Law are unnecessary with respect to such corporations. In order that the California Job Development Corporation Law be implemented to meet the urgent needs of the economically disadvantaged areas of this state, it is imperative that the additional regulating requirements of the Personal Property Brokers Law be made inapplicable to such corporations.

CHAPTER 209

An act to repeal and reenact the Metropolitan Water District Act (Chapter 429 of the Statutes of 1927), relating to metropolitan water districts.

[Approved by Governor June 16, 1969 Filed with Secretary of State June 16, 1969.]

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

PART 1. INTRODUCTORY PROVISIONS

CHAPTER 1. SHORT TITLE

SECTION 1. This act shall be known and may be cited as the "Metropolitan Water District Act."

CHAPTER 2. DEFINITIONS

SEC. 2. Unless the context otherwise requires, the definitions of this chapter govern the construction of this act.

SEC. 3. "Metropolitan water district" or "district" means a metropolitan water district incorporated under this act.

SEC. 4. "Board" and "board of directors" means the directors appointed pursuant to Chapter 1 (commencing with Section 50) of Part 3 of this act.

SEC. 5. "Public agency" means any city, municipal water district, municipal utility district, public utility district, county water district, and county water authority.

SEC. 6. "Municipal water district" means any municipal water district incorporated under the Municipal Water District Act of 1911.

SEC. 7. "Municipal utility district" means any municipal utility district incorporated under the Municipal Utility District Act.

SEC. 8. "Public utility district" means any public utility district incorporated under the Public Utility District Act.

SEC. 9. "County water district" means any county water district incorporated under the County Water District Act.

SEC. 10. "County water authority" means any county water authority incorporated under the County Water Authority Act.

SEC. 11 "City" means any city, and any city and county, of the State of California, whether organized under a freeholders' charter or under the provisions of general laws.

SEC. 12. "Member public agency" means any public agency, the area of which, in whole or in part, is included within a metropolitan water district as a separate unit.

CHAPTER 3. GENERAL PROVISIONS

SEC. 15. If any provision of this act is for any reason held to be unconstitutional, such decision shall not affect the valid-

ity of the remainder of this act. The Legislature hereby declares that it would have passed this act, and each provision of this act, irrespective of the fact that any one or more other provisions of this act be declared unconstitutional.

SEC. 16. The provisions of this act, insofar as they are substantially the same as the provisions of the Metropolitan Water District Act (Chapter 429, Statutes of 1927), shall be construed as restatements and continuations of said act and not as new enactments, it being the intention of the Legislature, by this act, to repeal and reenact the provisions of said act without making any substantive changes therein.

SEC. 17. The inclusion in a metropolitan water district of the corporate area, in whole or in part, of any public agency shall not destroy the identity or legal existence or impair the powers of any such public agency notwithstanding the identity of purpose, or substantial identity of purpose, of such metropolitan water district.

SEC. 18. The fiscal year of any metropolitan water district shall commence on the first day of July of each year and shall continue until the close of the 30th day of June of the year following.

SEC. 19. Whenever reference is made to any portion of this act or of any other law of this state, the reference applies to all amendments and additions heretofore or hereafter made.

SEC. 20. "Section," "article," "chapter," or "part" means a section, article, chapter, or part of this act, unless some other statute is specifically mentioned.

SEC. 21. All persons who, at the time this act goes into effect, hold office under any of the laws that are repealed by this act, which offices are continued by this act, continue to hold the offices according to their former tenure.

SEC. 22. No action or proceeding which is commenced before this act takes effect, and no right which is accrued, is affected by any provision of this act, but all procedure thereafter taken in such action or proceeding shall conform to the provisions of this act so far as possible.

PART 2. FORMATION

CHAPTER 1. TERRITORY AND PURPOSES

SEC. 25. Metropolitan water districts may be organized for the purpose of developing, storing and distributing water for domestic and municipal purposes.

SEC. 26. Districts may be formed of the territory included within the corporate boundaries of any two or more public agencies, which need not be contiguous, and may be incorporated and organized and thereafter governed, maintained and operated pursuant to this act. Each such district when so incorporated shall be a separate and independent political corporate entity.

CHAPTER 2. ORDINANCE OF INCORPORATION

SEC. 30. The legislative body of a public agency may pass an ordinance declaring that the public convenience and necessity require the incorporation of a metropolitan water district. The ordinance shall state each of the following:

(a) It is proposed to incorporate a metropolitan water district under the provisions of this act.

(b) The names of the public agencies proposed to be included within the district to be incorporated.

(c) The name of the proposed district.

(d) An estimate of the preliminary costs and expenses of incorporating and organizing the proposed district and an apportionment of such costs and expenses among the several public agencies proposed to be included within such district. Such apportionment shall be substantially in accordance with population as shown by the most recent federal census.

SEC. 31. The clerk of the legislative body of the public agency, upon the taking effect of such ordinance, shall forthwith transmit a certified copy by registered mail to the chief executive officer of each of the other public agencies named in the ordinance.

SEC. 32. Within 60 days after the receipt by any public agency named in the ordinance of a certified copy of such ordinance, the legislative body of the public agency shall by order either approve or reject such ordinance without alteration or amendment. In the event that the legislative body of any public agency shall fail to act upon such ordinance within such period of 60 days after receipt of a certified copy, such public agency shall be deemed to have rejected such ordinance.

SEC. 33. Immediately upon the approval or rejection of such ordinance by the legislative body of any public agency, the clerk thereof shall forward to the clerk of the public agency initiating the proceedings a certified copy of the order approving or rejecting such ordinance, as the case may be. Each public agency thus approving such ordinance shall promptly pay over to the public agency initiating the proceedings, the sum of money apportioned to it by the public agency initiating the proceedings as its share of the preliminary costs and expenses of the incorporation and organization of such district, and the money so paid shall constitute a fund for the purpose of defraying such costs and expenses of conducting the election required by this part as are not met by the respective public agencies, and such incidental expenses as may be properly incurred in connection therewith. Each public agency so contributing money shall be entitled to credit with the district for the amount contributed.

CHAPTER 3. FORMATION ELECTION

SEC. 35. Within 120 days after the transmission of the original ordinance, as provided in Section 31, but not before

either each public agency named in the ordinance shall have acted on it or the 60-day periods shall have expired, the legislative body of the initiating public agency shall call and provide for the holding of a special election in all of the public agencies, the legislative bodies of which have approved the original ordinance, including the initiating public agency, at which election the proposition of the incorporation of such metropolitan water district shall be submitted to the electors residing within such public agencies for ratification or rejection. Such election may be held separately or may be consolidated or held concurrently with any other election or elections authorized by law at which the electors residing in all of the public agencies in which the election called pursuant to this section is to be held are entitled to vote.

SEC. 36. The election shall be called by ordinance by the governing body of the initiating public agency. Such ordinance shall contain all of the following:

(a) The names of all public agencies, the governing bodies of which have approved the original ordinance as provided in Section 32, in which public agencies such election shall be called to be held.

(b) The day upon which such election shall be held.

(c) The time for opening and closing polls.

(d) The manner of voting for or against the proposition.

SEC. 37. The ordinance adopted pursuant to Section 36 shall also designate the precincts and polling places and shall appoint the officers of such election, which officers shall consist of one inspector, one judge and two clerks in each precinct. The description of precincts may be made by reference to any order or orders of the board of supervisors of the county or counties in which the proposed metropolitan water district, or any part thereof, shall be situated, or by reference to any provisions, order or ordinance of the legislative body of any public agency proposed to be included in the incorporation of such metropolitan water district, or by detailed description of such precincts. Precincts established by the boards of supervisors of the various counties to a number of not exceeding six may be consolidated for such special elections.

SEC. 38. Whenever the election shall be held concurrently with or shall be consolidated with any primary or general election, the precincts, polling places and officers of election shall be those designated and appointed for such primary or general election, and the ordinance calling the election need not designate precincts or polling places or name the election officers, but shall refer to the order or orders, or act or acts by which such other election shall have been called, and by which the precincts and polling places for such other election shall have been fixed and the officers of election appointed.

SEC. 39. The ordinance calling the election shall be published once at least 10 days before the date of the election in a newspaper of general circulation printed and published in each county within the proposed metropolitan water dis-

trict, and no other notice of such election or further publication of the names of election officers or of the precincts or polling places need be given or made.

SEC. 40. The ballot used at the election held pursuant to this chapter shall contain the words "Shall the territory embraced within the corporate boundaries of the _____ become a part of the _____ Metropolitan Water District" (inserting the name of the public agency in which such ballot shall be used and the name of the metropolitan water district as stated in the initiating ordinance) and the words "Yes" and "No" accompanied by voting squares set opposite thereto so that any elector may record his vote either for or against the proposition.

SEC. 41. Whenever the election, whether held separately or conducted concurrently with any other election, is conducted by the use of separate ballots, such ballots shall be counted by the respective election boards, and the returns shall be made to the governing board of the initiating public agency. At its first regular meeting occurring five days after such election, the governing board shall canvass the returns and declare the result.

SEC. 42. In the event that the election is consolidated with any primary or general election pursuant to Section 38 and the proposition provided in Section 40 is printed upon a ballot containing other propositions, the returns of the election shall be made with the returns of the primary or general election to the boards of supervisors or other bodies whose duty it is to canvass the returns, and the results of the election shall be canvassed at the time and in the manner provided by law for the canvass of the returns of such primary or general election.

It shall be the duty of such canvassing body or bodies to promptly certify and transmit to the governing body of the initiating public agency a statement of the result of the vote upon the proposition provided in Section 40 in each of the respective public agencies, the returns for which have been made to such canvassing bodies. Upon the receipt of such certificates it shall be the duty of the governing body of the initiating public agency to tabulate and declare the result.

CHAPTER 4. ESTABLISHMENT OF DISTRICT

SEC. 45. In the event the vote is in favor of establishment of the district, the governing body of the initiating public agency shall certify to the Secretary of State the proceedings had together with the result of the election conducted pursuant to this part, separately stating the names of the public agencies in which a majority of the electors voting upon the proposition have voted affirmatively if the total assessed valuation in such approving public agencies, as shown by county assessment records, is not less than two-thirds of the total assessed valuation within the district as proposed in the original ordinance according to the records of the county or counties.

SEC. 46. The Secretary of State shall within 10 days after the receipt of such certificate of election issue a certificate of incorporation reciting that the district named in such certificate of election has been duly incorporated according to the laws of the State of California, and naming the public agencies of which the district shall be composed as shown by such certificate of election, which public agencies shall be those in which the majority of electors voting on the proposition of incorporation shall have voted affirmatively.

The Secretary of State shall transmit to each such public agency a copy of such certificate of incorporation. The incorporation of any metropolitan water district shall be effective from and after the date of the issuance of such certificate of incorporation, and such district shall thereupon become vested with all of the rights, privileges, and powers of a metropolitan water district.

SEC. 47. No invalidity or irregularity in any proceeding which does not substantially and adversely affect the interests of the electors of the district, or any member public agency, shall be held to invalidate the incorporation of any district.

PART 3 INTERNAL ORGANIZATION

CHAPTER 1 BOARD OF DIRECTORS

SEC. 50. All powers, privileges and duties vested in or imposed upon any district shall be exercised and performed by and through a board of directors.

SEC. 51. The board shall consist of at least one representative from each member public agency. Such representatives shall serve without compensation from the district and shall be designated and appointed by the chief executive officer of the member public agency with the consent and approval of the governing body of the agency (hereafter referred to as the "appointing power").

SEC. 52. In lieu of one representative any member public agency may designate and appoint several representatives not exceeding one additional representative for each one billion dollars ($1,000,000,000) of assessed valuation, in which event each such representative present at a meeting of the board of directors when a vote is taken shall cast, or may abstain from casting, an equal share of the total vote to which such member public agency is entitled

SEC. 53. No incumbent representative shall be deprived of his office by reason of an increase in the amount of the assessed valuation required to authorize the designation and appointment of additional representatives, nor by reason of any decrease in the assessed valuation of the member public agency which he represents occurring after his assumption of office

SEC 54. In lieu of the appointment of members to the board pursuant to Sections 51 or 52 for an indefinite term at the pleasure of the appointing power, a member public agency

may by ordinance provide that each representative of that member public agency shall serve for a term of four years commencing on the first day of January of an odd-numbered year, and thereafter until his successor has been appointed and qualified, in accordance with the following provisions:

(a) The term of office of an incumbent representative of a member public agency with only one representative on the board on the effective date of such ordinance shall expire on the next succeeding 31st day of December of an even-numbered year following such effective date, or thereafter when his successor has been appointed and qualified.

(b) The appointing power of a member public agency which has more than one representative on the board shall designate the term of each such representative so that to the extent possible the term of an equal number of directors will expire on the next succeeding 31st day of December of an even-numbered year following the effective date of such ordinance and on the 31st day of December of the next succeeding even-numbered year, or thereafter when their successors have been appointed and qualified.

(c) A person appointed to fill a vacancy shall hold office for the unexpired term of his predecessor.

(d) Any director so appointed for a specified term may be removed by the appointing power for cause.

(e) The repeal of such ordinance shall not affect the term of an incumbent representative appointed pursuant to such ordinance.

SEC. 55. Each member of the board shall be entitled to vote on all questions, orders resolutions and ordinances coming before the board, and shall be entitled to cast one vote for each ten million dollars ($10,000,000), or major fractional part thereof, of assessed valuation of property taxable for district purposes in the member public agency represented by him as shown by the assessment records of the county and evidenced by the certificate of the county auditor. However, each member of the board shall have at least one vote but, no member public agency shall have votes exceeding in number the total number of votes of all other member public agencies. As used in this section, "major fractional part" means a fractional part larger than one-half.

SEC. 56. The affirmative votes of members representing more than 50 percent of the total number of votes of all the members shall be necessary and, except as otherwise expressly provided, shall be sufficient to carry any order, resolution or ordinance coming before the board

SEC. 57. Any meeting of the board may be adjourned or recessed from day to day or from time to time, by vote of the directors present, irrespective of the number of directors present or the number of votes represented at such meeting.

SEC. 58. The first meeting of the board shall convene at the time and place fixed by the chief executive officer of the public agency initiating the incorporation proceedings, and

immediately upon convening, the board shall elect from its membership a chairman, a vice chairman, and a secretary, who shall serve for a period of two years, or until their respective successors are elected and qualify.

SEC. 59. Every member of the board of a district formed pursuant to this act shall be subject to recall by the voters of the public agency from which such member is appointed in accordance with the recall provisions applicable to such public agency.

SEC. 60. The board may make and pass ordinances, resolutions and orders necessary for the government and management of the affairs of the district, for the execution of the powers vested in the district and for carrying into effect the provisions of this act.

SEC. 61. Any action required by this act to be done by resolution may be done, with equal validity, by ordinance.

SEC. 62. On all ordinances the roll shall be called and the ayes and noes recorded. Resolutions and orders may be adopted by viva voce, but on demand of any member the roll shall be called.

SEC. 63. No ordinance shall be adopted unless it shall have been introduced on a day previous to the time of such adoption or unless it is adopted by unanimous vote of all the members of the board present and there are directors present from not less than three-fourths of all the member public agencies who represent not less than three-fourths of the total vote of the board. In lieu of such previous introduction or unanimous vote any ordinance may be mailed by registered mail, postage prepaid, to each member of the board at least five days prior to the day upon which such ordinance shall be presented for adoption.

SEC. 64. An ordinance adopted by the board shall take effect 30 days following its adoption, except that an ordinance ordering or otherwise relating to an election or to the issuance or sale of bonds or to the levying or collection of taxes or the fixing of water rates shall take effect upon its adoption. An ordinance necessary for the immediate preservation or protection of the property, interests or welfare of the district, which contains a specific statement showing its urgency, and is passed by three-fourths of the total vote of the board shall also take effect upon its adoption.

SEC. 65. All ordinances except those which take effect upon their adoption as provided in Section 64 shall be subject to referendum in the manner provided by law for the legislative acts of boards of supervisors of counties.

SEC. 66. The exercise of any executive administrative and ministerial powers may be delegated and redelegated by the board to any of the offices created by this part or by the board.

SEC. 67. The board may fix the time and place or places at which its regular meetings shall be held, and shall provide for the calling and holding of special meetings.

SEC. 68. The board may fix the location of the principal place of business of the district and the location of all offices and departments maintained pursuant to this act.

SEC. 69. The board may prescribe by ordinance a system of business administration.

SEC. 70. The board may prescribe by ordinance a system of civil service.

SEC. 71. The board may prescribe a method of auditing and allowing or rejecting claims and demands.

SEC. 72. The board may by ordinance delegate to officers of the district the power to employ clerical, legal and engineering assistants and labor.

SEC. 73. The board may by ordinance delegate to officers of the district, under such conditions and restrictions as shall be fixed by the board, the power to bind the district by contract.

SEC. 74. All matters and things necessary for the proper administration of the affairs of the district which are not provided for in this act shall be provided for by the board by ordinance.

CHAPTER 2. OFFICERS AND EMPLOYEES

SEC. 80. The board may create any and all necessary offices which shall include the offices of controller and of treasurer.

SEC. 81. The board may establish and reestablish the powers and duties and compensation of all officers and employees.

SEC. 82. The board may require and fix the amount of all official bonds necessary for the protection of the funds and property of the district.

SEC 83. As promptly as possible after the close of each fiscal year, the controller shall prepare and transmit to the chief executive officer of each member public agency, a statement of revenues and expenditures in such detail as shall be prescribed by the board and a statement of the amount of water stored by the district and the amount used by each member public agency.

SEC. 84. The treasurer may deposit funds of the district in banks in the manner provided by law for the deposit of moneys of a municipality or other public or municipal corporation.

CHAPTER 3. PROHIBITED INTERESTS IN CONTRACTS

SEC. 90. Except as provided in Section 92, no director or other officer or employee of the district shall in any manner be interested, directly or indirectly, in any contract of the district awarded or to be awarded by the board of directors, or made or to be made by such officer or employee pursuant to discretionary authority vested in him, or in the profits to be derived therefrom.

SEC. 91. For any violation of Section 90, a director or other officer or employee of the district shall be guilty of a misdemeanor and upon conviction, in addition to the prescribed punishment, shall forfeit his office or employment.

SEC. 92. Notwithstanding Section 90, any director or other officer or employee of the district may be a stockholder or bondholder or director or other officer or employee of a corporation contracting with the district, if the contracts made with such corporation are for its general benefit unless such director or officer or employee of the district owns or controls, directly or indirectly, stock or bonds in an amount exceeding 5 percent of the total amount of the stock or bonds, respectively, of such contracting corporation issued and outstanding.

CHAPTER 4. RETIREMENT SYSTEM

SEC. 100. The board of directors by ordinance may establish a retirement system for the officers and employees of the district and provide for the payment of annuities, pensions, retirement allowances, disability payments, and death benefits, or any of them.

SEC. 101. The board of directors may classify and determine the officers and employees who shall be included as members in the retirement system and may change such classification from time to time. Membership of all officers and employees so classified and included in such retirement system shall be compulsory except that any officer or employee of the district at the time of the adoption of such system who falls within any such classification of officers or employees included as members in such system shall have the option of accepting or rejecting membership in the system and upon acceptance of such membership such officer or employee shall be entitled to the benefits and shall be subject to the burdens of such system.

SEC. 102. The board of directors may prescribe the terms and conditions upon which the officers and employees of the district or their beneficiaries shall be entitled to benefits and the amounts thereof, and the retirement allowance may be predicated in part on service rendered the district by a member prior to the establishment of the retirement system, which service shall be known as "prior service." Any such retirement system so adopted by the board of directors shall provide that the district and the members shall contribute to the retirement system and the contribution by members shall be so fixed as to provide, with accumulated interest, at least one-half the value of any retirement allowance granted for service, exclusive of any credits allowed for prior service, and all members of the retirement system shall contribute in the manner and amount fixed by the board of directors of the district. Such contributions may be collected by deducting the amounts thereof from the salary, wages or compensation due such members. Liabilities accruing under the retirement

system because of benefits other than such as are the equivalent of contributions by the members, with accumulated interest, shall be met by contributions by the district.

SEC. 103. The board of directors by ordinance may provide that the district shall maintain its own retirement fund from which the benefits to eligible officers and employees will be paid, under the control of the retirement board provided for in Section 107, or such ordinance may provide for the purchase of group or other insurance or annuities for the purpose of paying such benefits, or such ordinance may provide for such other means of administering the retirement system as in the opinion of the board of directors will satisfactorily provide an adequate and sure method of meeting the payments contemplated by the said retirement system.

SEC. 104. No retirement benefit shall be payable to any member of the retirement system unless he shall have reached the age of 60 years and shall have had not less than 15 years of service in the aggregate as an officer or employee, or both, of the district, although such service need not have been continuous; provided, that proportionate disability retirement benefit may be paid to any member of the retirement system, irrespective of his age, after an aggregate of 10 years' service in accordance with the provisions of the plan adopted by the board of directors; and provided further, that in the event any member withdraws from the retirement system prior to retirement the total amount contributed by such member with such interest as may be credited thereto shall be returned to him.

SEC. 105. Death benefits shall be payable to the beneficiary or beneficiaries, in the amounts, and in the manner, provided in accordance with the plan so adopted by the board of directors.

SEC. 106. All moneys received by any person as an annuity, pension, retirement allowance, disability payment or death benefit from any such retirement system, and all contributions and interest thereon returned to any member of such retirement system, whether the same be in the actual possession of such person or deposited, loaned or invested by him, shall be exempt from execution, garnishment and attachment and shall be unassignable.

SEC. 107. The board of directors shall create a retirement board of not more than five members, at least two members of which shall be the elected representatives of the members of the retirement system, and the remaining members shall be representatives of the board of directors. The board of directors shall provide the tenure of the members of the retirement board and shall define their powers and duties, but the retirement board shall have the power and duty to determine the eligibility of officers, employees and their dependents to participation in the system and shall be the sole authority and judge under such ordinances as may be adopted by the board of directors as to the conditions under which persons may be

admitted to and continue to receive benefits of any sort under the retirement system, and may modify allowances for servic and disability. Such determinations by the retirement board shall be final and conclusive, and in the event that the district shall maintain its own retirement fund, the retirement board shall have exclusive control of the administration, investment and disbursement of such fund, but the investment thereof shall be subject to the terms, limitations, restrictions and conditions imposed by the laws of the State of California upon savings banks in the making of investments by savings banks. The members of the retirement board shall serve without pay, and neither the treasurer nor controller shall receive any additional compensation for services performed in accordance with Sections 108 or 109.

SEC. 108. The treasurer of the district shall be the official custodian of all moneys and securities of the retirement fund and of all contributions made by the district and by the members of the retirement system. The duties imposed upon the treasurer by this section shall be deemed a part of his official duties, for the faithful performance of which he shall be liable upon his official bond.

SEC. 109. The controller of the district shall audit the accounts of the retirement board at least once every 12 months and shall report thereon to the board of directors.

SEC. 110. Before establishing any retirement system, the board of directors shall secure a report from a qualified actuary, which shall show the cost of the benefits provided by the system, and the prospective assets and liabilities of the system, and the board of directors shall hold such hearing as it may direct, and shall determine that the retirement system to be established is based on sound actuarial practice. At least once in each four-year period after the establishment of the system the board of directors shall cause to be made an actuarial valuation of the assets and liabilities of the retirement fund, and upon the basis of such investigation and valuation shall make such revision or change of the rates of contribution, the periods and conditions of service, and amounts of retirement allowances as may be necessary.

SEC. 111. Except as provided in this chapter, no member of the board of directors or of the retirement board, nor any member of the retirement system or employee of the district, shall have any interest, direct or indirect, in the making of any investment or in the gains or profits accruing from such investment, and no such person, directly or indirectly, for himself or as an agent or partner of others, shall borrow any of its funds or in any manner use the same except to make such current and necessary payments as are authorized by the board. Neither shall any such person become an endorser or surety as to, or in any manner an obligor for, investments of the retirement fund.

SEC. 112. The board of directors may adopt any and all ordinances and resolutions and may perform any acts neces-

sary to the initiation, maintenance and administration of a retirement system as provided in this chapter.

PART 4. POWERS AND PURPOSES

CHAPTER 1. POWERS GENERALLY

SEC. 120. A district may exercise the powers which are expressly granted by this act, together with such powers as are reasonably implied from the act and necessary and proper to carry out the objects and purposes of the district.

SEC. 121. A district may:

(a) Have perpetual succession.

(b) Adopt a corporate seal and alter it at pleasure.

SEC. 122. A district may:

(a) Enter into contracts, employ and retain personal services, and employ laborers.

(b) Create, establish, and maintain such offices and positions as shall be necessary and convenient for the transaction of the business of the district.

(c) Elect, appoint and employ such officers, attorneys, agents and employees as shall be found by the board to be necessary and convenient.

SEC. 123. A district may borrow money and incur indebtedness and issue bonds or other evidence of such indebtedness, except that no district shall incur indebtedness which, in the aggregate, shall exceed 15 percent of the assessed valuation of all the taxable property included within the district, as shown by the assessment records of the county or counties.

SEC. 124. A district may levy and collect taxes for the purposes of carrying on the operations and paying the obligations of the district, except that such taxes, exclusive of any tax levied to meet the bonded indebtedness of such district and the interest thereon, exclusive of any tax levied to meet any obligation to the United States of America or to any board, department or agency thereof, and exclusive of any tax levied to meet any obligation to the state pursuant to Section 11652 of the Water Code, shall not exceed five cents ($0.05) on each such one hundred dollars ($100) of assessed valuation. The term "tax levied to meet the bonded indebtedness of such district and the interest thereon" as used in this section shall also include, but shall not be limited to, any tax levied pursuant to Section 287 to pay the principal of, or interest on, bond anticipation notes and any tax levied under the provisions of any resolution or ordinance providing for the issuance of bonds of the district to pay, as the same shall become due, the principal of any term bonds which under the provisions of such resolution or ordinance are to be paid and retired by call or purchase before maturity with moneys set aside for that purpose.

SEC. 125. A district may invest any surplus money in the district treasury, including such money in any sinking or

other fund established for the purpose of providing for the payment of the principal or interest of any bonded or other indebtedness or for any other purpose, not required for the immediate necessities of the district, in its own bonds, or in treasury notes, or bonds, of the United States, or of this state, and such investment may be made by direct purchase of any issue of such bonds or treasury notes, or part thereof, at the original sale of the same, or by the subsequent purchase of such bonds or treasury notes. Any bonds or treasury notes thus purchased and held may, from time to time, be sold and the proceeds reinvested in bonds or treasury notes, as provided in this section.

Sales of any bonds or treasury notes thus purchased and held shall, from time to time, be made in season so that the proceeds may be applied to the purposes for which the money, with which the bonds or treasury notes were originally purchased, was placed in the treasury of the district. The functions and duties authorized by this section shall be performed by joint action of the controller and treasurer, with the approval of the attorney, under such rules and regulations as shall be prescribed by the board of directors of the district.

SEC. 126. A district may disseminate information concerning the activities of the district, and whenever it shall be found by two-thirds vote of the board to be necessary for the protection of district rights and properties, the district may disseminate information concerning such rights and properties, and concerning matters which, in the judgment of the board, may adversely affect such rights and properties. Expenditures during any fiscal year for the purposes of this section shall not exceed one-half of one cent ($0.005) for each one hundred dollars ($100) of assessed valuation of the district.

CHAPTER 2. WATER

SEC. 130. A district may:

(a) Acquire water and water rights within or without the state.

(b) Develop, store and transport water.

(c) Provide, sell and deliver water at wholesale for municipal and domestic uses and purposes.

(d) Fix the rates for water.

(e) Acquire, construct, operate and maintain any and all works, facilities, improvements and property necessary or convenient to the exercise of the powers granted by this section.

SEC. 131. A district may provide, sell, and deliver water and water service to the United States of America or to any board, department or agency thereof or to the State of California for any use or purpose pursuant to contract therefor. Such contract may be for permanent service, but shall provide for the furnishing of such water or water service upon terms and conditions and at rates which will apportion an equitable share of the capital cost and operating expense of

the district's works to the contractee. Every such contract shall provide that at the end of five years from the date of its execution and every three years thereafter there shall be such readjustment of the contract, upon the demand of either party thereto, either upward or downward as to rates, as the board of directors of the district may find to be just and reasonable in order to effectuate such equitable apportionment of such capital cost and operating expense. All water so contracted to be furnished by the district shall be deemed not to be surplus water available for sale pursuant to Section 132.

SEC. 132. A district may provide, sell and deliver surplus water not needed or required for domestic or minicipal uses within the district for beneficial purposes, but shall give preference to uses within the district. The supplying of such surplus water shall in every case be subject to the paramount right of the district to discontinue such supply in whole or in part, and to take and hold, or to provide, sell and deliver, such water for domestic or municipal uses within the district, upon one year's written notice to the purchaser or user of such surplus water. Such notice shall be given by the board whenever it shall be determined and declared by resolution adopted by a two-thirds vote of the board that such water is needed or required for domestic or municipal uses within the district.

SEC. 133. The board shall fix the rate or rates at which water shall be sold. Such rates, in the discretion of the board, may differ with reference to different sources from which water shall be obtained by the district. The board, under conditions and on terms found and determined by the board to be equitable, may fix rates for the sale and delivery to member public agencies of water obtained by the district from one source of supply in substitution for water obtained by the district from another and different source of supply, and may charge for such substitute water at the rate fixed for the water for which it is so substituted.

SEC. 134. The board, so far as practicable, shall fix such rate or rates for water as will result in revenue which will pay the operating expenses of the district, provide for repairs and maintenance, provide for payment of the purchase price or other charges for property or services or other rights acquired by the district, and provide for the payment of the interest and principal of the bonded debt subject to the applicable provisions of this act authorizing the issuance and retirement of the bonds. Such rates, subject to the provisions of this chapter, shall be uniform for like classes of service throughout the district.

SEC. 135. Each member public agency shall have a preferential right to purchase from the district for distribution by such agency, or any public utility therein empowered by such agency for the purposes, for domestic and municipal uses within the agency a portion of the water served by the district which shall, from time to time, bear the same ratio to

all of the water supply of the district as the total accumulation of amounts paid by such agency to the district on tax assessments and otherwise, excepting purchase of water, toward the capital cost and operating expense of the district's works shall bear to the total payments received by the district on account of tax assessments and otherwise, excepting purchase of water, toward such capital cost and operating expense.

CHAPTER 3. PROPERTY

SEC. 140. A district may take by grant, purchase, bequest, devise or lease, and may hold, enjoy, lease, sell or otherwise dispose of, any and all real and personal property of any kind within or without the district and within and without the state necessary or convenient to the full exercise of its powers. A district may acquire, construct or operate, control, and use any and all works, facilities, and means necessary or convenient to the exercise of its powers, both within and without the district and within and without the state, and may do and perform any and all things necessary or convenient to carry out any powers of the district.

SEC. 141. A district may exercise the power of eminent domain and, in the manner provided by law for the condemnation of private property for public use, may take any property necessary to carry out any powers of the district except water and water rights already devoted to beneficial use and powerplants devoted to public use; however, a district may not exercise the power of eminent domain for the purpose of condemning or taking any water or right to water conserved or stored behind any flood control dam constructed by any flood control district created by act of the Legislature. Subject to the express limitations contained in this section, in any proceeding relative to the exercise of the power of eminent domain, the district shall have the same rights, powers and privileges as a municipal corporation.

SEC. 142. A district may construct and maintain works and establish and maintain facilities across or along any public street or highway and in, upon, or over any vacant public lands which are the property of the State of California, and may construct works and establish and maintain facilities across any stream of water or watercourse, except that the district shall promptly restore any such street or highway to its former state of usefulness as nearly as may be, and shall not use the same in such manner as to completely or unnecessarily impair the usefulness thereof.

SEC. 143. The grant pursuant to Section 142 of the right to use vacant state lands shall be effective upon the filing by such district with the Division of State Lands of the Department of Finance, of an application showing the boundaries, extent, and locations of the lands, rights-of-way, or easements desired for such purposes.

If the land, rights-of-way, or easement for which application shall be made is for the construction of any aqueduct, ditch, pipeline, conduit, tunnel, or other works for the conveyance of water, or for roads, or for poles, or towers and wires for the conveyance of electrical energy, or for telephonic or telegraphic communication, no compensation shall be charged the district therefor, unless, in the opinion of the Chief of such Division of State Lands the construction of such works will render the remainder of the legal subdivision through which such works are to be constructed valueless or unsalable, in which event the district shall pay for the lands to be taken and for such portion of any legal subdivision which, in the opinion of the Chief of the Division of State Lands, are rendered valueless or unsalable, at the rate of one dollar and twenty-five cents ($1.25) per acre.

If the lands for which application is made are for purposes other than the construction of roads or for works for the conveyance of water, or electricity, or telephonic or telegraphic communication, such district shall pay to the state for such lands at the rate of one dollar and twenty-five cents ($1.25) per acre.

SEC. 144. Upon filing an application pursuant to Section 143, accompanied by a map or plat showing the location or proposed location of such works or facilities, or both, the fee title to so much of such state lands as shall be found by the Chief of the Division of State Lands of the Department of Finance to be necessary or convenient to enable such district to construct or maintain its works or to establish or maintain its facilities, or both, shall be conveyed to such district by a patent executed by the Governor of the State of California, attested by the Secretary of State with the Great Seal of the state affixed and countersigned by the State Lands Commission.

If an easement or right-of-way only over such lands is sought by the district, such easement or right-of-way shall be evidenced by a permit or grant executed by the Chief of the Division of State Lands. The Chief of the Division of State Lands may reserve in such patents, grants or permits, easements and rights-of-way across any lands therein described for the construction of streets, roads and highways. Before any such patent, grant or permit shall be executed any compensation due to the state under the provisions of this chapter shall be paid. In the event that the duties or titles of any of the officers mentioned in this chapter shall be changed, the functions required to be performed by this chapter shall be performed by the appropriate officer or officers of the State of California.

SEC. 145. No fee shall be exacted from such district for any patent, permit or grant issued or for any service rendered pursuant to this chapter.

SEC. 146. In the use of streets the district shall be subject to the reasonable rules and regulations of the county or city in which such streets lie, concerning excavations and the re-

filling of excavations, the relaying of pavements and the protection of the public during periods of construction, except that the district shall not be required to pay any license or permit fees or file any bonds. The district may be required to pay reasonable inspection fees.

CHAPTER 4. CONTRACTS

SEC. 150. As used in this chapter, "public corporation" means and includes the United States or any other public agency thereof or this or any other state or any political district or subdivision thereof.

SEC. 151. A district may join with one or more other public corporations for the purpose of carrying out any of its powers, and for that purpose may contract with any such other public corporation to finance acquisitions, construction and operations.

SEC. 152. Any contract with any other public corporation pursuant to Section 151 may provide for contributions to be made by each party and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, services and products from the contract. Any such contract may provide for an agency to effect such acquisitions and carry on such operations, and shall provide in the powers and methods of procedure for such agency the method by which such agency may contract. Any such contract may contain such other and further covenants and agreements as may be necessary and convenient to accomplish such purposes.

SEC. 153. The board may prescribe methods for the construction of works and for the letting of contracts for the construction of works, structures or equipment, or for the performance or furnishing of labor, materials or supplies required for the carrying out of any of the purposes of this act.

SEC. 154. Whenever any work is not to be done by the district itself by force account, and the amount involved shall be ten thousand dollars ($10,000) or more, the board shall provide for the letting of contracts to the lowest responsible bidder, after publication of notices inviting bids, but subject to the right of the board to reject any and all proposals.

SEC. 155 The board in advertising for bids and in letting contracts as provided in Section 154, may require that all articles furnished to the district pursuant to such contracts be manufactured, produced or fabricated in the United States or its territories, and may prohibit the use in, or employment in connection with, the carrying out of such contracts by the contractor or any subcontractor, of all machinery or materials except such as shall have been manufactured, produced or fabricated in the United States or its territories, if such are determined by the board to be available.

SEC. 156. Notwithstanding the requirements of Section 154, contracts, in writing or otherwise, may be let without

advertising for, or inviting, bids, when any repairs, alterations, or other work, or the purchase of materials, supplies, equipment or other property, is deemed by the board to be of urgent necessity, and such action is authorized by a two-thirds vote of the board.

CHAPTER 5. CONTROVERSIES

SEC. 160. A district may sue and be sued in all actions and proceedings and in all courts and tribunals of competent jurisdiction.

SEC. 161. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 162. The validity of the incorporation of any district shall be incontestable in any suit or proceeding which is not commenced within three months from the date of the issuance of the certificate of incorporation pursuant to Section 46.

SEC. 163. An action to determine the validity of bonds or notes or other evidence of indebtedness and the sufficiency of the provision for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due and for the payment of the principal thereof on or before maturity may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

SEC. 164. The validity of any proceedings for the annexation of territory to any district pursuant to the provisions of Chapter 1 (commencing with Section 350) of Part 7, shall not be contested in any action unless such action is brought within three months after the completion of such annexation.

PART 5. BONDS AND OTHER EVIDENCES OF INDEBTEDNESS

CHAPTER 1. BONDS REQUIRING APPROVAL OF VOTERS

Article 1. Initiation of Proceedings

SEC. 200. Whenever the board, by ordinance adopted by a vote of a majority of the total vote of the board, determines that the interests of the district and the public interest or necessity demand the acquisition, construction or completion of any public improvement or works of the district, or the payment of funds for any part of the capital costs of any public improvement or works of this state from which service is to be provided to the district, or the incurring of any preliminary expenses, or any combination of such purposes, necessary or convenient to carry out the objects or purposes of the district, the cost of which will be too great to be paid out of the

ordinary annual income and revenue of the district, the board may order the submission of the proposition of incurring bonded indebtedness, for the purposes set forth in such ordinance, to the qualified voters of the district, at an election held for that purpose.

SEC. 201. The declaration of public interest or necessity required by Section 200 and the provision for the holding of such election on the proposition of incurring a bonded indebtedness may be included within one and the same ordinance, which in addition to such declaration of public interest or necessity shall recite all of the following:

(a) The objects and purposes for which the indebtedness is proposed to be incurred.

(b) The estimated cost thereof, or the estimated amount of preliminary expenses, as the case may be.

(c) The amount of the principal of the indebtedness to be incurred therefor.

(d) The maximum rate of interest to be paid on such indebtedness, which rate shall not exceed 6 percent per annum payable semiannually.

Article 2. Bond Election

SEC. 210. The ordinance adopted pursuant to Section 200 shall in addition to the requirements of Section 201 fix the date upon which the election shall be held and the manner of holding the election and the method of voting for or against incurring the proposed indebtedness. Such ordinance shall also fix the compensation to be paid the officers of the election and shall designate the precincts and polling places and shall appoint the officers of such election, which officers shall consist of one inspector, one judge and two clerks in each precinct. The description of precincts may be made by reference to any order or orders of the board of supervisors of the county or counties in which the district or any part thereof is situated, or by detailed description of such precincts. Precincts established by the boards of supervisors of the various counties, not exceeding six in number, may be consolidated for special elections held pursuant to this chapter.

SEC. 211. Any election held for the purpose of submitting any proposition of incurring such bonded indebtedness may be held separately, or may be consolidated or held concurrently with any other election authorized by law at which the qualified electors of the district are entitled to vote. In the event any bond election shall be called to be held concurrently with any other election or shall be consolidated with any other election, the ordinance calling the election need not designate precincts or polling places or the names of officers of election, but shall contain reference to the act or order calling such other election and fixing the precincts and polling places and appointing election officers therefor except that such reference shall not be required when the election is consolidated with a statewide election.

SEC. 212. The ordinance provided for in Section 200 shall be published once at least 10 days before the date of the election in a newspaper of general circulation printed and published within the district, and no other or further notice of such election or publication of the names of election officers or of the precincts or polling places need be given or made.

SEC. 213. In all particulars not set out in the ordinance adopted pursuant to Section 200, the election shall be held and conducted substantially in accordance with the provisions of the Elections Code.

SEC. 214. The board of directors or any member or members thereof or any person or persons designated by the board may file with the secretary of the board an argument in favor of the proposition and any member of the board or other voter or voters of the district may file with such secretary an argument against the proposition. No such argument shall exceed 500 words in length, and all arguments shall be filed with the secretary of the board at least 55 days prior to the date of the election. From the arguments so filed with him, the secretary shall select the argument for and the argument against the proposition deemed by him to best express the respective views of the proponents and opponents of the proposition. The arguments so selected by the secretary shall be printed and a printed copy of such arguments (which shall be deemed official matter) shall be enclosed in an envelope with each sample ballot. Any irregularities in carrying out the provisions of this section shall not invalidate or affect the results of the election.

SEC. 215. The respective election boards shall conduct the election in their respective precincts in the manner prescribed by law for the holding of general elections, and shall make their returns to the secretary of the district. At any regular or special meeting of the board of directors held not earlier than five days following the date of the election, the returns of the election shall be canvassed and the results declared.

SEC. 216. In the event that any election conducted pursuant to this chapter shall be consolidated with any primary or general election and the proposition to incur indebtedness shall be printed upon a ballot containing other propositions, the returns of the election shall be made with the returns of the primary or general election to the board of supervisors or other bodies whose duty it is to canvass the returns of such election, and the results of the election shall be canvassed at the time and in the manner provided by law for the canvass of the returns of such primary or general election. Such canvassing body or bodies shall promptly certify and transmit to the board of directors a statement of the result of the vote upon the proposition submitted. Upon receipt of such certificates the board shall tabulate and declare the results of the election.

Article 3. Issuance and Sale of Bonds

SEC. 220. In the event that it appears from the returns of the election that a majority of the electors voting on any proposition to incur bonded indebtedness submitted pursuant to this part voted in favor of such proposition, the district may thereupon issue and sell bonds of the district in the amount and for the purpose or purposes and object or objects provided for in the ordinance adopted pursuant to Section 200, and at a rate of interest, not exceeding the rate recited in such ordinance.

SEC. 221. Bonds authorized pursuant to this chapter shall mature at times and in amounts to be fixed by the board, except that the payment of the principal of bonds or series thereof shall begin not later than 15 years from the date thereof, and must be completed in not more than 50 years from the date thereof.

SEC. 222. The bonds shall be issued in such denominations as the board may determine, and shall be payable on the day and at the place or places fixed in such bonds and with interest at the rate specified therein, which rate shall not be in excess of 6 percent per annum, and shall be payable semiannually.

SEC. 223. The board may provide for the call and redemption of bonds before maturity at such times and at such prices as it may determine. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect.

SEC. 224. All bonds shall be signed by the chairman of the board, or by such other officer as the board shall, by resolution adopted by a majority vote of its members, authorize and designate for that purpose. Such bonds shall also be signed by the controller or assistant controller and countersigned by the secretary of the board. The coupons, if any, of such bonds shall be numbered consecutively, and signed by such controller or assistant controller. All such signatures and countersignatures, except that of the controller or assistant controller on the bonds only, may be printed, lithographed or engraved. In case any of such officers, 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 they had remained in office until the delivery of such bonds.

SEC. 225. The bonds shall not be sold at a price less than the par value thereof, together with accrued interest to the date of delivery, nor until notice calling for bids therefor shall have been published in a newspaper of general circulation published and circulated in the county in which the principal place of business of the district is located. Such notice shall state the time for the receipt of such bids, which shall not be less than 10 days after the publication thereof. Such

notice may offer the bonds at a fixed interest rate or with the interest rate or rates undetermined, in which event the bids shall contain a statement of the rate or rates of interest at which the bidder will take the bonds and pay par value or more therefor, together with accrued interest.

SEC. 226. Bids for the bonds shall be opened publicly, and the results publicly announced. The bonds shall be sold to the bidder whose bid will result in the lowest net interest cost. 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 and either readvertise or sell the bonds at private sale.

SEC. 227. Temporary or interim bonds or certificates of any denomination, signed by the controller or assistant controller, may be issued until the definitive bonds are executed and available for delivery.

SEC. 228. The bonds may be issued and sold by the board as it shall determine, and the proceeds thereof, except premium and accrued interest, shall be placed in the treasury of the district to the credit of the proper improvement fund, and shall be applied exclusively to the purposes and objects mentioned in the ordinance adopted pursuant to Section 210, except as otherwise provided in this section. The interest on the bonds accruing during the construction period and for one year thereafter may be deemed to be a construction cost within the meaning of the purposes and objects mentioned in such ordinance, and such interest may be paid from the proceeds of the sales of the bonds. Premium and accrued interest shall be placed in the fund to be applied to the payment of interest on, and the retirement of, the bonds so sold.

SEC. 229. For the purposes of this chapter, the construction period shall be deemed to end when the works, the construction of which shall have been authorized from the proceeds of any bond issue, shall have been placed in operation to such extent as to result in the sale and delivery in the district, of water transported and provided by means of such works.

SEC. 230. If from any cause the revenues of the district shall be inadequate to pay the interest or principal of any bonded debt at such time as it becomes due, the board shall, at the time of fixing the tax levy and in the same manner provided for such tax levy, levy and collect annually until the bonds are paid or until there shall be a sum in the treasury of the district set apart for that purpose sufficient to meet all sums coming due for principal and interest on such bonds, a tax sufficient to pay the annual interest on such bonds and such part of the principal of the bonds as shall become due before the time when money will be available from the next general tax levy, or such portion thereof as shall not be met from previous levies or other revenues of the district. Such taxes shall be in addition to all other taxes levied for district purposes and shall be collected at the time and in the same

manner as other district taxes are collected and shall be used for no purpose other than the payment of such bonds and accruing interest.

SEC. 231. The resolution or ordinance providing for the issuance of the bonds or any installment thereof may contain such registration, conversion and exchange privileges as the board may determine.

Article 4. Refunding of Bonds

SEC. 235. The district may provide for the issuance, sale or exchange of refunding bonds to purchase, redeem or retire bonds issued under this chapter upon such terms, at such times, and in such manner as the board by resolution adopted by two-thirds vote determines. Such refunding bonds shall mature not later than 50 years from the date of the outstanding bonds which are refunded. The provisions of Sections 163, 221, 222, 223, 224, 225, 226, 227, 230 and 295, subject to any limitations contained in this article, shall apply to such refunding bonds.

SEC. 236. Refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of any of the following:

(a) The redemption or retirement of all outstanding bonds which are refunded.

(b) All expenses incident to the calling, retiring or redemption of the outstanding bonds which are refunded and the issuance of the refunding bonds.

(c) Interest upon the refunding bonds from the date of sale to the date of redemption or retirement of the bonds outstanding which are refunded out of the proceeds of the sale or to the date upon which the outstanding bonds which are refunded will be repaid pursuant to the provisions in such bonds for call and redemption prior to maturity.

(d) Any premium necessary in the redemption and retiring of the outstanding bonds and the interest accruing on them to the date of the call or retirement.

SEC. 237 The proceeds of the sale of refunding bonds, except premium and accrued interest, shall be placed in the treasury and applied to the purposes specified in this article. Premium and accrued interest shall be placed in the fund to be applied to the payment of interest on and retirement of the refunding bonds.

SEC. 238. In lieu of selling refunding bonds and redeeming or retiring with the proceeds the bonds which are refunded, the board may exchange refunding bonds for the bonds so refunded or may purchase the same

SEC 239 Whenever outstanding bonds are refunded, they shall be surrendered to the treasurer of the district for cancellation in the manner to be prescribed by the board.

CHAPTER 2. BONDS FOR REPAIR OR REPLACEMENT OF DAMAGED OR DEMOLISHED WORKS

SEC. 240. Whenever the board by ordinance adopted by a vote of three-fourths of the total vote of the board finds and determines that any part of the works of the district has been damaged or demolished by reason of fire, flood, earthquake, sabotage, or act of God or the public enemy, and that the cost of repairing or replacing such works so damaged or demolished will be too great to be paid out of the ordinary annual income and revenue of the district, and that the public interest requires the incurring of indebtedness for the purpose of providing moneys for the repair or replacement of such works, the board may authorize the incurring of such indebtedness and shall determine the manner in which such indebtedness shall be incurred and evidenced and may authorize the issuance and sale of bonds or other evidence of indebtedness for such purpose.

SEC. 241. Notwithstanding any other provision of this act, whenever the board finds it to be of urgent necessity to preserve or protect the property, interests or welfare of the district, any ordinance adopted by a vote of three-fourths of the total vote of the board for the purpose of exercising the powers conferred upon it by this chapter, may be adopted without introduction on any previous day and shall take effect immediately upon its adoption.

SEC. 242. All indebtedness incurred pursuant to this chapter shall be subject to the following limitations:

(a) The indebtedness so incurred shall not exceed one-half of 1 percent of the assessed valuation of the property within the district taxable for district purposes.

(b) The interest payable on such indebtedness shall not exceed 6 percent per annum payable semiannually.

(c) The term of such indebtedness shall not exceed 12 years.

If the maturity of such indebtedness begins more than one year after the date upon which it was incurred, provision shall be made for a sinking fund for the payment of the principal of such indebtedness on or before maturity.

SEC. 243. In its discretion the board may provide that any bond or other evidence of indebtedness issued pursuant to this chapter shall be callable at the option of the district on any interest date not earlier than one year from the date of issue, at not to exceed 101 percent of par value thereof, and interest accrued thereon. The denomination or denominations of such bonds or other evidence of indebtedness shall be determined by the board.

SEC. 244. The bonds or other evidence of indebtedness shall be sold at not less than par and accrued interest at public or private sale as the board shall determine and, in the event of public sale, after such notice as may be prescribed by the board.

SEC. 245. The proceeds of any borrowing pursuant to this chapter (other than accrued interest) shall be applied solely

to the purpose specified in the ordinance authorizing the incurring of such indebtedness or to the retirement of the principal of the obligation issued pursuant to such ordinance. Any accrued interest received shall be applied to payment of interest on such indebtedness.

SEC. 246. If from any cause the revenues of the district shall be inadequate to pay the interest or principal of any indebtedness incurred under this chapter when due, the board shall, at the time of fixing the tax levy and in the manner for such tax levy provided, levy and collect annually until such indebtedness shall be paid or until there shall be a sum in the treasury of the district set apart for that purpose, sufficient to meet all sums coming due for principal and interest on such indebtedness, a tax sufficient to pay the interest on such indebtedness, or such part thereof as shall not be met from revenues of the district, as such interest becomes due, and also sufficient to pay such part of the principal thereof as shall become due before the time when money will be available from the next general tax levy, or such portion thereof as shall not be met from revenues of the district. If the maturity of such indebtedness begins more than one year after the date upon which it was incurred, such tax shall be levied and collected at the time and in the manner provided in this section annually, sufficient when added to revenues of the district available for that purpose, to pay the interest on such indebtedness as it falls due, and also to constitute, together with revenues of the district available for such purpose, a sinking fund for the payment of the principal of such indebtedness on or before maturity. The taxes required to be levied and collected pursuant to this section shall be in addition to all other taxes levied for district purposes, shall be unlimited by the provisions of Section 124, shall be collected at the time and in the same manner as other district taxes are collected, and shall be used for no purpose other than the payment of such indebtedness and interest.

SEC. 247. Whenever the board by ordinance adopted by a vote of three-fourths of the total vote of the board shall find and determine that the best interests of the district will be served by refunding any indebtedness previously incurred and outstanding under this chapter, the board may refund all or part of such indebtedness, and, for that purpose may issue and dispose of, by exchange or at public or private sale, bonds or other evidence of indebtedness at not less than par and accrued interest. The interest rate on indebtedness incurred for the purpose of refunding any obligation shall not exceed the interest rate on the refunded indebtedness, and the maturity date or dates thereof shall not be later than the maturity date or dates of the respective refunded obligations.

SEC. 248. Any refunding bonds or other evidence of indebtedness issued pursuant to Section 247 shall conform to the provisions of this chapter governing the original issuance of bonds or other evidence of indebtedness, may be similarly

callable, and may in turn be refunded pursuant to this section. The proceeds of the disposition of any refunding bonds or other evidence of indebtedness shall be applied solely to the retirement of the outstanding indebtedness for the refunding of which such bonds or other evidence of indebtedness were issued. The aggregate indebtedness incurred under this chapter shall not be increased by any refunding transaction except as, during the interval between disposing of the refunding issue and retirement of the outstanding issue, outstanding obligations may be temporarily increased.

CHAPTER 3. BONDS PRIMARILY SUPPORTED BY ANNEXATION CHARGES

Article 1. General Procedure

SEC. 250. Whenever the board by ordinance adopted by a vote of three-fourths of the total vote of the board shall find and determine that the increasing demands for water to be supplied by the district require the immediate construction or installation of additional works or facilities to enable the district to meet such demands, and that the cost of constructing or installing such additional works or facilities will be too great to be paid out of the ordinary annual income and revenue of the district, but will be within the ability of the district to pay out of income derived from special taxes levied and collected pursuant to annexation proceedings pursuant to Articles 1, 2, and 3 of Chapter 1 of Part 7, and that the public interest requires the incurring of indebtedness for the purpose of providing moneys for the construction or installation of such additional works or facilities, the board may authorize the incurring of such indebtedness and may authorize the issuance and sale of bonds or other evidence of indebtedness for such purpose either in one block or in installments.

SEC. 251. At least five days prior to the meeting of the board at which any ordinance authorizing the issuance of bonds or other evidence of indebtedness pursuant to this article shall be presented for final adoption, notice of the pendency of such ordinance, together with a copy thereof, stating the time of such meeting, shall be mailed by prepaid registered mail to each director, at the address of such director of record in the office of the secretary of the district. No ordinance authorizing the issuance of such bonds or other evidence of indebtedness shall be finally adopted unless such notice shall have been so mailed. Proof of such mailing shall be evidenced by affidavit of the officer or agent of the district mailing such notice. Any ordinance adopted pursuant to the authority of this article shall take effect immediately upon its adoption.

SEC. 252. All indebtedness incurred pursuant to this chapter shall be subject to the following limitations:

(a) The indebtedness so incurred outstanding at any time shall not exceed 50 percent of the aggregate amount of special taxes thereafter to be levied by the district pursuant to the

authority of Articles 1, 2, or 3 of Chapter 1 of Part 7 and annexation proceedings concluded thereunder, or 1 percent of the assessed valuation of property within the district taxable for district purposes, whichever shall be the lesser.

(b) The interest payable on such indebtedness shall not exceed 6 percent per annum payable semiannually.

(c) The term of such indebtedness shall not exceed 12 years.

(d) The whole amount of such indebtedness or of the respective installment thereof, depending upon whether the bonds or other evidence of such indebtedness shall be issued in one block or in installments, shall be made payable in substantially equal annual parts during the term of such indebtedness or installment thereof, as the case may be.

SEC. 253. In its discretion the board may provide that any bond or other evidence of indebtedness issued pursuant to this chapter shall be callable at the option of the district on any interest date not earlier than one year from the date of issue, at not to exceed 101 percent of par value thereof, and interest accrued thereon. The denomination or denominations and the form of such bonds or other evidence of indebtedness shall be determined by the board.

SEC. 254. The bonds or other evidence of indebtedness shall be sold at not less than par and accrued interest at public sale after such notice as may be prescribed by the board.

SEC. 255. The proceeds of any borrowing pursuant to this article (other than accrued interest) shall be applied solely to the purpose specified in the ordinance authorizing the incurring of such indebtedness or to the retirement of the principal of the obligation issued pursuant to such ordinance. Any accrued interest received shall be applied to payment of interest on such indebtedness.

SEC. 256. In the discretion of the board, interest and principal on bonds or other evidence of indebtedness issued pursuant to this article may be made payable only from income derived from the levy and collection of special taxes levied pursuant to Articles 1, 2, or 3 of Chapter 1 of Part 7, and annexation proceedings concluded thereunder, and from no other funds. As an alternative, such interest and principal may be made payable primarily from such income, provided that if from any cause, the income and revenues of the district available for such purpose shall be inadequate to pay the interest or principal of any indebtedness incurred under this article, when due, the board, at the time of fixing the tax levy and in the manner provided for such tax levy, shall levy and collect annually until such indebtedness shall be paid or until there shall be a sum in the treasury of the district set apart for that purpose, sufficient to meet all sums coming due for principal and interest on such indebtedness, a tax sufficient to pay the interest on such indebtedness, or such part thereof as shall not be met from other income and revenues of the district, as such interest becomes due, and

also sufficient to pay such part of the principal thereof as shall become due before the time when money will be available from the next general tax levy, or such portion thereof as shall not be met from other income and revenues of the district. The taxes required to be levied and collected pursuant to this section shall be in addition to all other taxes levied for district purposes, shall not be limited by the provisions of Section 124, shall be collected at the time and in the same manner as other district taxes are collected, and shall be used for no purpose other than the payment of such indebtedness and interest.

SEC. 257. Whenever the board by ordinance adopted by a vote of three-fourths of the total vote of the board shall find and determine that the best interests of the district will be served by refunding any indebtedness previously incurred and outstanding under this article, the board may refund all or part of such indebtedness, and, for that purpose, may issue and dispose of, by exchange or at public sale, bonds or other evidence of indebtedness at not less than par and accrued interest. The interest rate on indebtedness incurred for the purpose of refunding any obligation shall not exceed the interest rate on the refunded indebtedness, and the maturity date or dates thereof shall be not later than the maturity date or dates of the respective refunded obligations.

SEC. 258. Any refunding bonds or other evidence of indebtedness issued pursuant to Section 257 shall conform to the provisions of this article governing the original issuance of bonds or other evidence of indebtedness, may be similarly callable and may in turn be refunded pursuant to this section. The proceeds of the disposition of any refunding bonds or other evidence of indebtedness shall be applied solely to the retirement of the outstanding indebtedness for the refunding of which such bonds or other evidence of indebtedness were issued. The aggregate indebtedness incurred under this article shall not be increased by any refunding transaction except as, during the interval between disposing of the refunding issue and retirement of the outstanding issue, outstanding obligations may be temporarily increased

Article 2. Alternative Procedure

SEC. 260. The board by ordinance may order the submission to the qualified voters of the district, at a special election to be consolidated with an election at which all such qualified voters shall be authorized to vote, of a proposition to authorize the board by majority vote of such board to incur and to refund indebtedness in the manner, for the purposes, and subject to the limitations provided in Article 1 (commencing with Section 250) of this chapter.

SEC 261. The proposition submitted pursuant to Section 260 shall be stated upon the official ballot substantially in the following language: "Shall the Board of Directors of

_____ (insert name of district) be authorized, by a majority vote of the board, pursuant to the provisions of Chapter 3 (commencing with Section 250) of Part 5 of the Metropolitan Water District Act, to incur indebtedness from time to time for terms not exceeding 12 years, for the purpose of constructing or installing additional works or facilities for the development, transportation and distribution of water, such indebtedness to be payable primarily or solely from revenues derived from special taxes levied pursuant to annexation proceedings completed prior to the incurring of such indebtedness, and such indebtedness to not exceed at any one time either 50 percent of the aggregate amount of such special taxes thereafter to be levied or 1 percent of the assessed valuation of taxable property within the district, whichever is the lesser, and also to refund all or any part of such indebtedness?"

SEC. 262. The election procedures applicable to Article 2 (commencing with Section 210) of Chapter 1 of Part 5 shall apply to any election called pursuant to this article.

SEC. 263. In the event that a majority of the voters of the district voting on the proposition at the election called pursuant to Section 260 shall vote in favor of the proposition, the board on behalf of the district may by a majority vote incur and refund indebtedness in the manner, for the purposes, and to the extent provided in Article 1 (commencing with Section 250) of this chapter and the provisions of Sections 250 and 257 requiring adoption of the respective ordinances by a vote of three-fourths of the total vote of the board shall no longer be applicable to such district.

SEC. 264. The bonds or other evidence of indebtedness authorized to be issued pursuant to this article may be payable to bearer and unless payable only from income derived from the levy and collection of special taxes levied pursuant to Articles 1, 2, or 3 of Chapter 1 of Part 7 and annexation proceedings concluded thereunder shall be negotiable. Such bonds or other evidence of indebtedness shall be in such form, bear such signatures, and be subject to such provisions for registration as are provided in Article 3 (commencing with Section 220) of Chapter 1 of Part 5.

CHAPTER 4. BOND ANTICIPATION NOTES

SEC. 285. The district may borrow money in anticipation of the sale of, but not in excess of the principal amount of, authorized bonds of the district which have been authorized by the electors thereof to be issued but which have not yet been sold and delivered, and for that purpose may issue and sell negotiable bond anticipation notes, and may refund such notes from time to time, but the maximum maturity of any such notes, as originally issued or as refunded, shall not exceed five years from the date of the original notes. The notes shall be sold in such manner as the board may determine, and such notes and the resolution providing for the issuance

of such notes may contain any provision, condition or limitation which a bond, or any resolution or ordinance providing for the issuance of bonds, may contain.

SEC. 286. The interest on bond anticipation notes shall be payable at the time or times provided in such notes and may be represented by interest coupons attached to the notes and shall be payable from the same funds from which the interest on bonds of the district are payable. The principal of such notes may be paid from any moneys of the district available for such purpose. If such notes, or any portion thereof, have not been previously paid, they shall be paid from the proceeds of the next sale of bonds in anticipation of which the notes were issued.

SEC. 287. The resolution providing for the issuance of bond anticipation notes may contain a provision that, if for any reason bonds of the district are not sold in time to provide funds to pay any unpaid note, and, if other funds of the district are not available for such payment, taxes shall be levied for such payment in the manner provided in Section 308 for the payment of bonds in such amount each year for such period of years as may be set forth in such resolution.

SEC. 288. When bonds of the district are issued and any portion of the proceeds of the sale are to be used to pay bond anticipation notes, such bonds shall mature not later than 50 years from the date of such notes as originally issued.

CHAPTER 5. BONDS AS LEGAL INVESTMENTS

SEC. 295. All bonds issued by any district shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings and trust companies, and for the state school funds, and for all sinking funds under the control of the State Treasurer, and whenever any moneys or funds may by law now or hereafter enacted be invested in, or loaned upon the security of, bonds of cities, cities and counties, counties, or school districts in the State of California, such moneys or funds may be invested in, or loaned upon the security of, the bonds of such metropolitan water district; and whenever bonds of cities, cities and counties, counties, or school districts, by any law now or hereafter enacted, may be used as security for the faithful performance or execution of any court or private trust or of any other act, bonds of such metropolitan water district may be so used.

PART 6 TAXES

CHAPTER 1. GENERAL PROCEDURE

Article 1. Definitions

SEC. 300. As used in this part, "constituent public agency" means any public agency, any irrigation district or any other public corporation or agency of the State of California, of

similar character and with power to acquire and distribute water, whose corporate area, in whole or in part, is included within a metropolitan water district and also within the corporate boundaries of any overlying member public agency.

Article. 2. Procedure

SEC. 305. Immediately after equalization and not later than the 15th day of August of each year, the auditor of each county in which the area of the district lies shall prepare and deliver to the controller of the district a certificate showing the assessed valuation of all property within the district lying in the county, and also showing such assessed valuation segregated according to each member public agency within the county.

SEC. 306. In the event that the controller of the district notifies the State Board of Equalization and the appropriate county assessor pursuant to Section 335 of the acceptance of the declaration of intention of any constituent public agency to make payments in lieu of taxes pursuant to the provisions of Chapter 2 (commencing with Section 331) of this part, the State Board of Equalization and the county assessor shall prepare the assessments for the next ensuing fiscal year of all property within such metropolitan water district lying in such constituent public agency, segregated in such manner that the county auditor of each county within which such agency or any part thereof shall lie, in issuing his certificate to the controller of such metropolitan water district on or before the 15th day of August of such year, pursuant to the requirements of Section 305, will be able to segregate the assessed valuation of all property in his county within such metropolitan water district lying in such agency, and it shall be the duty of each such county auditor to make such segregation in such certificate.

SEC. 307. On or before the 20th day of August the board shall by resolution determine the amount of money necessary to be raised by taxation during the fiscal year beginning the first day of July next preceding for all district purposes and shall fix rates of taxation of the district, designating the number of cents, upon each one hundred dollars ($100) assessed valuation of taxable property in each county (but if any fraction of a cent occur, it must be taken as a full cent on each one hundred dollars ($100) assessed valuation of such taxable property) and shall levy a tax accordingly.

SEC. 308. The tax levied pursuant to Section 307 shall, in addition to all other district purposes, be sufficient, when taken with other revenues available for such purpose to meet interest, principal and sinking fund requirements on all bonded indebtedness, including refunding bonds, of the district and to meet the payment of the principal and interest on any bonds the issuance of which has been authorized by the electors and which have not been sold but which, in the judgment of the

board, will be sold prior to the time when money will be available from the next subsequent tax levy. In case such authorized bonds are not so issued and sold or such tax for any other reason is not required for such latter purpose, any tax so levied shall be applied to the payment of interest or principal, or both, on any refunding bonds or on any bonds authorized by the electors, then outstanding or subsequently issued.

SEC. 309. The board shall also cause to be computed and shall declare in the resolution adopted pursuant to Section 307 the amount of money to be derived by virtue of the tax levy from the area of the district lying within each member public agency and within each constituent public agency for which a certificate segregating the assessed valuation of all property within the agency has been received from the county auditor by the controller of the district. In such resolution the board shall also fix and determine the times and proportional amounts of installments in which any agency may elect to make payment in lieu of taxes as provided in Section 336. The board shall immediately transmit certified copies of such resolution to the presiding officer of the governing body of each such public agency and constituent public agency.

SEC. 310. Before the first day of September the controller of the district shall prepare and transmit to the auditor of each county in which the area of the district lies, a statement showing the tax rate to be applied to assessed property in each such public agency or part thereof within the district. Such rate shall be the rate fixed by resolution of the board modified to the extent necessary to produce from each public agency only the amount apportioned to it in such resolution, less any amount paid or undertaken to be paid by such agency, or credited thereto as provided in Chapter 2 (commencing with Section 321) of this part.

SEC. 311. Upon receipt, pursuant to Section 310, by the auditor of each county of a certified copy of the controller's statement showing the tax rate to be applied to assessed property in each such member public agency or constituent public agency, and showing the public agencies or parts thereof, the assessed property in which is exempt therefrom, if any, the county officers shall collect taxes for the benefit of the district at the rate specified. The taxes so levied shall be computed and collected at the time and in the manner required by law for the computation and collection of taxes for county purposes, and the property subject to such tax shall be subject to the same penalties for delinquency. The same provisions of law relating to the sale of property for nonpayment of county taxes and to redemption of such property shall apply to such tax levy. When so collected, such taxes shall be paid over to the treasurer of the district.

SEC. 312. In consideration of services rendered by the county, any county may annually deduct and withhold an amount not exceeding 1 percent on the first twenty-five thou-

sand dollars ($25,000) collected pursuant to this chapter, and one-fourth of 1 percent of any amount in excess of twenty-five thousand dollars ($25,000). The board of supervisors of each such county may provide such extra help as in their judgment may be necessary for the proper performance of the duties imposed under this part.

SEC. 313. Whenever any real property situated in the district upon which a tax has been levied pursuant to this chapter shall be sold for taxes and shall be redeemed, the money paid for such redemption, except advertising costs, shall be apportioned to the district in the proportion which the tax due to such district shall bear to the total tax for which such property shall have been sold.

SEC. 314. All taxes levied under the provisions of this act shall be a lien upon the property upon which levied, and the enforcement of the collection of such tax shall be in the same manner and by the same means as is provided by law for the enforcement of liens for state and county taxes, and all of the provisions of law relating to the enforcement of such taxes are a part of this act so far as applicable.

SEC. 315. Member public agencies and constituent public agencies are hereby authorized pursuant to the provisions of Chapter 2 (commencing with Section 321) of this part to pay to metropolitan water districts, out of funds derived from the sale of water or other funds not appropriated to some other use, such amounts as may be determined upon by the governing bodies, or other bodies, boards, commissions or officers having control of such funds. Any such payment in avoidance of taxes shall be credited to the appropriate member public agency or agencies. The amount of the payment so made by any such agency shall be deducted from the amount of taxes which would otherwise be levied against property lying in such agency as provided in Section 310. In the event that payment so made by any public agency shall exceed the amount of taxes which would otherwise have been levied against property within such agency, the amount of such excess without interest shall be carried over and applied in reduction of taxes levied during the ensuing year or years

SEC. 316. Any public agency which incurs expenses in the investigation of or preliminary work upon any works or projects taken over by the district may receive, and the district so taking over any such works or projects may make to such public agency, reimbursement for all such sums so expended, or to be expended, for expenses incurred in such investigation or preliminary work to the extent that the board shall find that such expenditures have benefited the district.

SEC. 317. As an alternative to the purchase and sale of any works or projects taken over by the district any public agency, which has incurred expenses in the investigation of or preliminary work upon any such works or projects taken over by the district, may certify the amount of such expenses, without interest, to the board at any time within four years

from the date of the incorporation of the district, or the incurring of such expenses, if the district is already incorporated, and if allowed by the board, such amount shall be credited to such public agency, and such expenditures shall be considered as a payment of money for which deduction shall be made pursuant to this part from the amount of taxes which would otherwise be levied against property lying within such public agency.

SEC. 318. Any public agency which incurs expenses in preliminary work in preparing for the incorporation of any district may certify the amount of such expenses, without interest, to the board at any time within four years from the date of the incorporation of the district, and if allowed by the board, such amount shall be credited to such public agency, and shall be considered as a payment of money for which deduction shall be made pursuant to this part from the amount of taxes which would otherwise be levied against property lying within such public agency. Such certification and allowance shall be made on or before the first Monday in July, and the amount of money to be raised by taxation shall be computed with reference to the credit to be allowed as provided in this section. Such credit may in the discretion of the board be considered in connection with the amount of money to be raised by the next tax levy or may be spread over subsequent years, not to exceed five.

SEC 319. No credit allowed by the board pursuant to Section 317 shall apply to reduce the amount of taxes which would otherwise be levied against the property within any public agency to meet interest, principal and sinking fund requirements on bonded indebtedness of the district.

SEC. 320. All provisions in this act, or in any ordinance adopted pursuant to this act, relating to the respective times when the various acts pertaining to the levy of taxes are to be performed are directory only, and failure to perform any such act or acts within the time so specified shall not impair the authority herein conferred to perform all subsequent acts relating to the levy of such taxes.

SEC. 321. In the event that any of the provisions of this act respecting the time and manner of assessing property for purposes of taxation, of equalizing such assessments, of certifying such assessed valuations to the taxing authorities, of making the tax levies, of certifying such tax levies to the proper authorities for extension upon the tax rolls, and for enforcement and collection of such taxes or of performing any other act regarding the assessment, levy or collection of taxes be amended, changed, repealed or newly enacted, and as a result thereof, it should appear to the board that the time schedule provided in this part respecting the levy of district taxes be no longer consistent with such modified tax procedure, then the board by ordinance may prescribe a new schedule setting forth the times when the various acts herein required to be done in levying district taxes shall be performed. Noth-

ing in this section shall relieve the board of its duty to provide adequate funds, by annual tax levies if necessary, to meet the interest and principal requirements of the bonded debt as they fall due.

SEC. 322. For the purpose of assessing and collecting, under the provisions of Section 9(a) of Article XIII of the Constitution of the State of California, the taxes levied by any district incorporated pursuant to this act, the rate for taxes levied for the preceding tax year, as such phrase is employed in such section of the Constitution shall be the rate fixed for such preceding tax year by the board pursuant to Section 307. No refund of any amount so collected under the provisions of such section of the Constitution shall be made notwithstanding that a member public agency or constituent public agency, pursuant to the provisions of Chapter 2 (commencing with Section 331) of this part, shall elect to pay the whole or any portion of the amount of taxes to be derived from the area of the district with such agency, as such amount shall have been fixed by resolution of the board.

CHAPTER 2. PAYMENT IN LIEU OF TAXES

SEC. 331. On or before the 10th day of December in any year the governing body of any member public agency or constituent public agency may declare its intention to pay out of its agency funds the whole or a stated percentage of the amount of taxes to be derived from the area of the district within such agency, as such amount shall be fixed in the next succeeding August by resolution of the board If such governing body shall so declare its intention to pay a stated percentage less than the whole of the amount of taxes so to be derived, such stated percentage shall be 1 percent or a whole multiple thereof. Such declaration of intention shall be made by order upon motion, which order shall recite that such agency, pursuant to the provisions of Section 336 will elect to pay the whole or such stated percentage of the amount of taxes of the district to be derived from such member public agency or constituent public agency.

SEC. 332. Immediately upon the adoption of a declaration of intention pursuant to Section 331 and not later than the 10th day of December in such year, a certified copy of the declaration shall be filed by such member public agency or constituent public agency with the controller of the district, with the county assessor of the county within which such agency lies, and with the State Board of Equalization, accompanied in each instance by a statement of the creation of such agency or of the change of boundaries of such agency or of the part thereof within the district, setting forth the legal description of the boundaries of such agency as so created or so changed and of the part thereof within the district, together with a map or plat indicating such boundaries. Such statement and such map or plat need not accompany the respec-

tive certified copy of such declaration of intention so to be filed where such agency since its creation and the last change in boundaries of such agency and of the part thereof included within the district already has filed with the board of directors and with the county assessor and with the State Board of Equalization, as the case may be, pursuant to Section 382 or Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code or other applicable provisions of law, a statement of the creation of such agency or of the change of boundaries of such agency or of the part thereof within the district, setting forth the legal description of the boundaries of such agency as so created or so changed and of the part thereof within the district, together with a map or plat indicating such boundaries.

SEC. 333. Concurrently with the certification to the controller of the district pursuant to Section 332 of the declaration of intention, accompanied by such statement and map or plat where required, such member public agency or constituent public agency shall transmit to the controller of the district a statement showing its financial condition, the funds from which it is intended that such payment will be made and the sources of revenue to be used therefor, and not later than the 15th day of December in such year shall file with the controller proof that a certified copy of the declaration and such statement and map or plat have been filed with the county assessor and with the State Board of Equalization. In instances where such statement and map or plat are not required by Section 332 to accompany the certified copy of the declaration so filed, such proof shall evidence the fact that the requirements of Section 332 have been otherwise fulfilled.

SEC. 334. Upon the filing with the controller of the district pursuant to Section 332 of the certified copy of the declaration of intention accompanied by the statement and map or plat, where required, and the filing pursuant to Section 333 of the financial statement and of the required proof, the controller, if it appears that the financial condition of such agency reasonably will assure the payment of such amount of taxes, shall accept such declaration of intention.

SEC. 335. If the declaration of intention is accepted pursuant to Section 334, the controller, on or before the 23rd day of December, shall so notify the State Board of Equalization and the county assessor of the county wherein such member public agency or constituent public agency is situated, and any other officer whose duty it is to collect taxes under the provisions of Section 9(a) of Article XIII of the Constitution of the State of California. Thereupon the county assessor or other officer shall not collect in such agency prior to the next ensuing first day of September, the amount of such taxes for the benefit of the district that is to be paid out of the agency funds of such agency, as indicated in the declaration of intention.

SEC. 336. On or before the 25th day of August of each year the governing body of each member public agency or constituent public agency whose declaration of intention has been accepted pursuant to Section 334, may elect to pay out of the agency funds of such agency all or the stated percentage, as the case may be, of the amount of tax which would otherwise be levied upon property within such agency. Such election shall be made in strict compliance with, and fulfillment of, the declaration of intention made by such agency pursuant to Section 331.

SEC. 337. Any election pursuant to Section 336 shall be made by order upon motion, which shall recite that such payment shall be made in cash concurrently with the certification of such order to the controller of the district, or that such payment shall be made in installments at such times and in such amounts as shall be in accordance with the requirements of the board adopted pursuant to Section 303. In the event that any member public agency or constituent public agency shall adopt an order making any such election, it shall immediately certify to the controller of the district a copy of such order.

SEC 338. In the event any member public agency or constituent public agency shall elect to pay in cash all or any portion of the amount of tax which would otherwise be levied upon property within such agency to meet interest, principal and sinking fund requirements on bonded indebtedness of such district, such amount so elected to be paid shall be deposited with the treasurer of the district on or before the 27th day of August next following such election, and unless such payment is so made in the case of interest, principal and sinking fund requirements on bonded indebtedness, such election shall be ineffective for any purpose.

SEC. 339. If any member public agency or constituent public agency whose declaration of intention has been accepted pursuant to Section 334 shall fail to make its intended election in accordance with Section 331 and in compliance with all applicable requirements, the controller of the district, on or before the first day of September, shall so notify the county auditor of the county in which such agency shall lie and thereupon the county assessor or county tax collector of said county or other officer whose duty it then is to collect such taxes, forthwith shall collect for the benefit of the district such taxes to the extent that such agency shall so fail to make its intended election to pay such taxes out of its agency funds No penalties shall attach to such taxes as are collected by the first day of December.

SEC. 340. If any member public agency or constituent public agency fails to comply with the terms of the order electing to make payments to the district pursuant to this article in lieu of taxation, the amount of the delinquency, plus a penalty of 8 percent shall be added to the taxes to be collected during the ensuing fiscal year, from the property

within such delinquent agency, and thereafter for a period of two years no order or ordinance shall be sufficient to exempt the property in such agency from taxation unless it be accompanied by payment in cash of the amount which would otherwise be collected from owners of property within the agency, together with all moneys due but unpaid under any previous order.

PART 7. CHANGES IN ORGANIZATION

CHAPTER 1. ANNEXATION OF TERRITORY

Article 1. Annexation of Public Agencies

SEC. 350. The corporate area of any public agency may be annexed to any metropolitan water district by direct annexation as a separate unit upon terms and conditions fixed by the board of directors and in accordance with the provisions of this article.

SEC. 351. The governing body of any public agency may apply to the board of the district for consent to annex the corporate area of such agency to the district. The board may grant or deny such application and in granting such application may fix the terms and conditions upon which the corporate area of such agency may be annexed to and become a part of the metropolitan water district. Such terms and conditions may provide, among other things, for the levy by the district of special taxes upon taxable property within the agency in addition to the taxes authorized elsewhere in this act to be levied by the district.

SEC. 352 The action of the board pursuant to Section 351 evidenced by resolution shall be promptly transmitted to the governing body of the applying public agency, and if such action grants consent to such annexation, the governing body may thereupon submit to the qualified electors of the agency at any general or special election held in the agency, the proposition of such annexation subject to the terms and conditions fixed by the board.

SEC. 353. Notice of the election shall be given by posting such notice for at least 10 days in three public places in the public agency or by publication once at least 10 days before the date fixed for the election in a newspaper of general circulation published in the public agency. Such notice shall contain the substance of the terms and conditions fixed by the board pursuant to Section 351.

SEC. 354 The election shall be conducted and the returns canvassed in the manner provided by law for elections in such public agency. If the proposition receives the affirmative vote of a majority of the electors of such public agency voting thereon at such election, the governing body of such agency shall certify the result of the election to the board, together with a legal description of the boundaries of the corporate

area of the public agency, accompanied by a map or plat indicating such boundaries.

SEC. 355. A certificate of proceedings under this article shall be made by the secretary of the district and filed with the Secretary of State. Upon the filing of such certificate in the office of the Secretary of State, the corporate area of the public agency shall become an integral part of the district, and the taxable property in such agency shall be subject to taxation for the purposes of the district, including the payment of any authorized or outstanding bonds or other obligations of such district. The board may thereafter do all things necessary to enforce and make effective the terms and conditions of annexation fixed by the board pursuant to Section 351.

SEC. 356. Upon the filing in his office of the certificate of proceedings pursuant to Section 355, the Secretary of State shall within 10 days issue his certificate reciting the filing of such papers in his office and the annexation of the corporate area of the public agency to the metropolitan water district. The Secretary of State shall transmit the original of such certificate to the secretary of the district and shall forward a certified copy to the county clerk of each county in which such district or any portion thereof is situated.

Article 2. Automatic Annexation of Territory in a City

SEC. 360. Territory may be annexed to any metropolitan water district by annexation to, or consolidation with, the area of any city, which is itself a member public agency, such annexation or consolidation to occur upon compliance with the provisions of law governing such annexation to, or consolidation with, the area of such city. Upon completion of such annexation to, or consolidation with, any city in compliance with the provisions of law applicable to such annexation or consolidation, such territory shall become a part of such metropolitan water district, and the taxable property in such territory shall be subject to taxation for the purposes of such district, including the payment of any authorized or outstanding bonds or other obligations of such district.

SEC. 361. Territory may be annexed to any metropolitan water district by annexation to, or consolidation with, any city which, as a separate unit, shall have become a part of any member public agency of the district, in instances where, under the applicable provisions of law governing the change of boundaries of such member public agency, such annexation or consolidation automatically will result in the enlargement of the area of such agency, such annexation or consolidation to occur upon compliance with the provisions of law governing such annexation to, or consolidation with, the area of such city. Upon completion of such annexation to, or consolidation with, such city in compliance with the provisions of law applicable to such annexation or consolidation, such territory shall be-

come a part of such member public agency and of such metropolitan water district, and the taxable property in such territory shall be subject to taxation for the purposes of such member public agency and of such metropolitan water district, including the payment of any authorized or outstanding bonds or other obligations of such agency and of such district.

Article 3. Annexation of Territory with Consent of the Board

SEC. 370. Territory may be annexed to any metropolitan water district by annexation to, or consolidation with, any member public agency, other than a city or any city which, as a separate unit, shall have become a part of any member public agency of the district, upon terms and conditions fixed by the board of directors of the district and in accordance with the provisions of this article. Unless such territory is annexed to the district with the consent of the board, the annexation of such territory to, or the consolidation of such territory with, any such agency shall not authorize or entitle such agency or such territory to demand or receive any water from the district for use in such territory.

SEC. 371. Nothing in this act shall prevent the annexation of territory to, or the consolidation of territory with, any such member public agency for its local purposes only and without annexing such territory to such metropolitan water district, and such local annexation or consolidation may occur without requesting or obtaining the consent of the board.

SEC. 372. The governing body of any member public agency, other than a city or a member public agency with respect to annexation to any city which, as a separate unit, has become a part of such member public agency, may apply to the board for consent to annex to the district territory which it is sought to annex to, or consolidate with, such agency, or territory which already has been annexed to, or consolidated with, such agency but has not been made a part of such district. The board may grant or deny such application and in granting such application may fix the terms and conditions upon which such territory may be annexed to the district. Such terms and conditions may provide, among other things, for the levy by such district of special taxes upon taxable property within such territory in addition to the taxes authorized elsewhere in this act to be levied by such district.

SEC. 373. The action of the board pursuant to Section 372 evidenced by resolution shall be promptly transmitted to the governing body of the applying agency, and if such action shall grant consent to the annexation, such territory may be annexed to the district upon compliance with the provisions of this article.

SEC. 374. If such territory has not previously been annexed to, or consolidated with, such member public agency, upon completion of such annexation to, or consolidation with, such

agency in compliance with the applicable provisions of law, including this article, such territory shall become a part of the district, and the taxable property in such territory shall be subject to taxation for the purposes of such district, including the payment of any authorized or outstanding bonds or other obligations of such district. The board may thereafter do all things necessary to enforce and make effective the terms and conditions of annexation fixed by the board pursuant to Section 372.

SEC. 375. If the applicable provisions of law governing such annexation to, or consolidation with, such member public agency shall require any notice of any election called for the purpose of determining whether such proposed annexation or consolidation shall occur, or shall require any notice of hearing or other notice to be given to the residents or electors of, or owners of property in, such territory, such notice shall contain the substance of the terms and conditions of annexation to such district fixed by the board pursuant to Section 372.

SEC. 376. The governing body of such member public agency or other officer having the duty of certifying the proceedings resulting in such annexation to, or consolidation with, such agency, pursuant to the provisions of law applicable thereto, shall include in such certification a record of the proceedings by which such territory has been annexed to such metropolitan water district in accordance with the provisions of this article, and shall file a duplicate of such certificate with the board of the district.

SEC. 377. If the territory sought to be annexed to the district has previously been annexed to, or consolidated with, such member public agency, the governing body of such agency, upon being advised of the action of the board pursuant to Section 371, and if such action grants consent to the annexation, may submit to the qualified electors of such territory, at any general or special election held in such territory, the proposition of such annexation subject to the terms and conditions fixed by the board. The provisions of Sections 353, 354, 355, and 356 shall thereafter be applicable to such proceedings, and for the purposes of this section, such provisions shall be deemed to refer to the territory sought to be annexed to the district pursuant to this article, rather than to the corporate area of any public agency sought to be annexed to the district pursuant to Article 1 (commencing with Section 350) of this chapter.

Article 4. Change in Boundaries

SEC. 380. Whenever the corporate area of a public agency is annexed to a district as a separate unit, or whenever territory is otherwise annexed to a district pursuant to the provisions of this chapter, the secretary of the district shall file, with the county assessor of each county within which the district or any part thereof shall lie and with the State Board of

Equalization, a statement of the change of boundaries of the district, setting forth the corporate names of the member public agencies, which statement also shall contain a legal description of the boundaries of such annexed public agency or territory, as the case may be, unless a statement and map or plat indicating the boundaries of the agency or territory has been filed with the county assessor of each county within which such agency or territory or any part thereof shall lie and with the State Board of Equalization, pursuant to Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code or other applicable provisions of law. Such statement so filed by the secretary shall be accompanied by a map or plat indicating the boundaries of the district as so changed.

SEC. 381. If such statement and map or plat is filed pursuant to Section 380 on or before the first day of January, but subsequent to the 30th day of June next preceding, all taxable property within the corporate area of such public agency or such territory so annexed, as the case may be, shall be subject to taxation by such metropolitan water district for the purposes of this act, commencing with the fiscal year beginning on July 1st next ensuing. If such statement and map or plat is filed subsequent to January 1st, but before July 1st, all taxable property within the corporate area of such public agency or such territory so annexed shall be subject to such taxation by the district commencing with the fiscal year beginning on the first day of July in the calendar year next succeeding the calendar year in which the statement and map or plat are so filed by the secretary of such district.

SEC. 382. Whenever territory is annexed to, or consolidated with, any member public agency, irrespective of whether such territory is annexed to such metropolitan water district, or whenever territory is annexed to any city, under the conditions specified in Article 2 (commencing with Section 360) of this chapter, the governing body, or clerk thereof, of such agency shall file with the board of the district a statement of the change of boundaries of the agency, setting forth the legal description of the boundaries of such agency, as so changed, and of the part thereof within the district. Such statement shall be accompanied by a map or plat indicating such boundaries.

Article 5. Conflict of City and Agency Annexations

SEC. 390. As used in this article, "public agency" does not include any city.

SEC. 391. The governing body of any public agency may declare its intention to apply to the board of directors of any metropolitan water district for consent to annex to such metropolitan water district the corporate area of such public agency as such corporate area exists at the time of making such declaration of intention or as such corporate area will exist

upon the conclusion of proceedings referred to in Sections 393 and 394 for the annexation to any city of territory within such public agency in a manner that would result in automatic annexation of such territory to such metropolitan water district upon the consummation of the annexation of such territory to such city.

SEC. 392. Except as provided in Sections 393 and 394, whenever the governing body of any public agency shall make such declaration of intention and shall file a certified copy thereof with the board of directors of such metropolitan water district, any territory lying within such corporate area of such public agency so proposed to be annexed as stated in such declaration of intention shall not be annexed to such metropolitan water district except as a part of the corporate area of such public agency, until such time as the limitations prescribed in this article shall have ceased to be operative. If any proceedings referred to in Sections 393 and 394 shall fail to result in the annexation of territory within such public agency to the city conducting such proceedings, the declaration of intention so made and filed by such public agency shall be deemed to relate to the corporate area of such public agency, including the territory for which annexation to such city shall have so failed.

SEC. 393. If, prior to the making and filing of the declaration of intention in the manner provided in Section 391, a valid petition shall have been filed with the governing body of a city, the corporate area of which shall be included in such metropolitan water district in a manner which except for the limitations prescribed in this article would result in automatic annexation to such metropolitan water district of territory annexed to such city, and such petition shall pray for the annexation to such city of territory within such public agency, the governing body so declaring its intention shall not apply to the board of directors of such metropolitan water district for consent to the proposed annexation of the corporate area of such public agency until such proceedings for the annexation to such city of the territory within such public agency shall have been completed or terminated.

Such annexation of any such territory to such city in manner resulting in automatic annexation thereof to such metropolitan water district shall also, without other proceedings, result in the exclusion of such territory from such public agency, such exclusion to be effective concurrently with the annexation of such territory to such city and to such metropolitan water district.

SEC. 394. The taxable property within such area excluded pursuant to Section 393 shall continue to be taxable by such public agency to the same extent and in the same manner and for the same purposes as though such area had been excluded pursuant to proceedings conducted therefor in the manner and form provided by the organic law governing such public agency and the exclusion of territory therefrom. If any pro-

ceedings referred to in Section 393 shall fail to result in the annexation to such city of territory within such public agency, upon the termination of such unsuccessful city proceedings the governing body of such public agency may apply to the board of directors of such metropolitan water district for consent to annex thereto the corporate area of such public agency, including the territory for which annexation to such city shall have so failed.

SEC. 395. If the governing body of such public agency previously shall have made and filed its declaration of intention in the manner provided in Section 391, the formal application to the board of directors of such metropolitan water district for consent to annex such corporate area shall be made and filed with such board of directors not later than 30 days from the date of completion or termination of all proceedings referred to in Sections 393 and 394 for the annexation of territory within such public agency to a city in such manner that if the annexation to the city be consummated the territory automatically would be annexed to such metropolitan water district and would be excluded from such public agency.

SEC. 396. In the event that application shall be made, within the time herein prescribed, by the governing body of a public agency to the board of directors of a metropolitan water district, for consent to annex the corporate area of such public agency to such metropolitan water district, such application shall be granted or denied by the board of directors of such metropolitan water district within three months from the date such application is filed with such board of directors. Failure of such board of directors to grant such application within the period prescribed shall constitute denial of the application.

SEC. 397. The governing body of such public agency, within 30 days from the date upon which such application shall have been granted by the board of directors of such metropolitan water district, shall approve or disapprove such annexation subject to the terms and conditions fixed by the board of directors of such metropolitan water district in granting such consent. If such annexation be so approved, the governing body of such public agency, within such period of 30 days, shall call, and order to be held, an election within the corporate area of such public agency for the purpose of submitting to the qualified electors of such public agency the proposition of annexing such corporate area to such metropolitan water district, subject to the terms and conditions so fixed by the board of directors of such metropolitan water district. Such election shall be called and ordered to be held on a suitable date not later than three months from the date on which it is so called by such governing body. Failure of such governing body to call such election within the period prescribed shall constitute disapproval by such governing body of the proposed annexation.

SEC. 398. Except as otherwise expressly provided in this article, the proceedings for the annexation of the corporate area of such public agency to such metropolitan water district shall be conducted in accordance with the provisions of Article 1 (commencing with Section 350) of this chapter and the annexation election shall be conducted and the returns thereof canvassed in the manner provided by law for elections in such public agency. In the event that the proposition for such annexation shall receive the affirmative vote of a majority of electors of such public agency voting thereon at such election, the results shall be certified and all documents filed in the manner provided in such article by a date not later than 60 days from the date of the holding of such election.

SEC. 399. Upon successful completion, in accordance with the provisions of this article and of Article 1 (commencing with Section 350) of this chapter, of the proceedings for annexation of the corporate area of such public agency to such metropolitan water district, all territory comprised within the corporate area of such public agency at the time of the filing with the board of directors of such metropolitan water district of the application by the governing body of such public agency for consent to such annexation, shall become a part of such metropolitan water district as a part of the corporate area of such public agency. Nothing herein contained shall prevent the annexation of any such territory to any city irrespective of the fact that the corporate area of such city may be a part of such metropolitan water district in a manner which except for the limitations prescribed in this article would result in automatic annexation to such metropolitan water district of territory annexed to such city. Nothing contained in this article shall authorize the annexation to a metropolitan water district, as a separate unit, of less than the entire corporate area of a public agency.

SEC. 400. In the event that the proceedings to annex the corporate area of such public agency to such metropolitan water district shall fail to result in the consummation of such annexation, the governing body of such public agency which shall have filed its declaration of intention in the manner provided in this article, immediately shall file with the Secretary of State evidence of the failure of such annexation proceedings. Upon the filing of such evidence in the office of the Secretary of State any territory then within such public agency which theretofore shall have been annexed to any city, the corporate area of which shall be included in such metropolitan water district in a manner which except for the limitations prescribed in this article would have resulted in automatic annexation to such metropolitan water district of such territory concurrently with its annexation to such city, shall become, and be, a part of such metropolitan water district, and the taxable property therein shall be subject to taxation thereafter for the purposes of such metropolitan water district, including the payment of bonds and other obligations of such

district at the time authorized or outstanding, and such annexation shall be deemed to have occurred in accordance with the provisions of Article 2 (commencing with Section 360) of this chapter, except for the effective date of such automatic annexation, which shall be the date of filing in the office of the Secretary of State of the evidence of failure of the proceedings for the annexation of the corporate area of such public agency to such metropolitan water district. Any such territory thereafter annexed to any such city, subject to the limitations prescribed in this article in the event that new proceedings shall be instituted under the provisions hereof, shall become, and be, a part of such metropolitan water district at the time, in the manner, and with the effect prescribed in Article 2 (commencing with Section 360) of this chapter.

SEC. 401. Notwithstanding any provision contained in this article, the governing body of any public agency, in the manner provided in Article 1 (commencing with Section 350) of this chapter, may apply to the board of directors of a metropolitan water district for consent to annex to such metropolitan water district the corporate area of such public agency without first having declared its intention to make such application. If such prior declaration of intention be not made and filed, upon making formal application for consent to such annexation, in the manner provided in Article 1 (commencing with Section 350) of this chapter, any territory lying within such corporate area of such public agency so proposed to be annexed thereafter shall not be annexed to such metropolitan water district except as a part of the corporate area of such public agency until such time as the limitations prescribed in this article shall have ceased to be operative.

If, prior to the making and filing of such formal application, a valid petition shall have been filed with the governing body of a city for annexation thereto of territory within such public agency in a manner which except for the limitations prescribed in this article would result in automatic annexation to such metropolitan water district of territory annexed to such city, then such formal application shall not be made by the governing body of such public agency until such proceedings for the annexation to such city of the territory within such public agency shall have been completed or terminated. The filing of such formal application for consent to such annexation shall have the same effect as though such formal application for such consent were filed pursuant to a prior declaration of intention made and filed in accordance with the provisions of this article and effective as of the time of filing such formal application.

Article 6. Modification of Special Tax Levies

SEC. 405. The board of directors of a district, with respect to an area annexed to a district pursuant to this chapter, may modify the method of raising an amount previously

fixed by the board to be collected by special tax levies as a condition or term of annexation, in any manner which would result in a cash payment or a series of annual levies either of which would have a present value equal to the present value of the amounts remaining to be levied in such area according to terms previously specified by the board. Such present values shall be as determined by the board as of the date such modification is approved by the board.

SEC. 406. Any such modification pursuant to Section 405 shall be approved by a majority of the voters voting on such proposition at an election called within such area if 12 or more voters reside therein, or, if less than 12 voters reside therein, upon written approval duly filed with the district's secretary signed by owners of more than one-half of the value of the taxable property within such area as shown on the last equalized assessment roll. Such election shall be conducted by the member public agency of which such area is a part.

CHAPTER 2. EXCLUSION OF TERRITORY

SEC. 450. If any portion of the corporate area of any member public agency, shall be excluded from such agency in accordance with the provisions of law applicable to such exclusions, then such excluded area shall thereby also be excluded from the corporate area of such metropolitan water district, but the taxable property within such excluded area shall continue to be taxable by the district for the purpose of paying the bonded or other indebtedness of the district outstanding or contracted for at the time of such exclusion and until such bonded or other indebtedness shall have been satisfied.

SEC. 451. The governing body of any member public agency may submit to the electors of the agency at any general or special election the proposition of the exclusion of the entire corporate area of such member public agency from the district. Notice of such election shall be given in the manner provided in Section 353. Such election shall be conducted and the returns canvassed in the manner provided by law for the conduct of elections in such agency. In the event that the majority of the electors voting on such proposition vote in favor of such withdrawal, such result shall be certified by the governing body of such agency to the board of the district.

SEC. 452. A certificate of the proceedings under Section 450 or 451 shall be made by the secretary of the district and filed with the Secretary of State, and upon the filing of such certificate the corporate area of the member public agency shall be excluded from the district but the property within the agency at the time of such exclusion shall continue to be taxable for the purpose of paying the bonded and other indebtedness of the district outstanding or contracted for, at the time of such exclusion and until such bonded or other indebtedness shall have been satisfied.

SEC. 453. Upon the filing in his office of the certificate of proceedings pursuant to Section 452 the Secretary of State shall, within 10 days, issue his certificate, reciting the filing of such papers in his office and the exclusion of the corporate area of such member public agency from the district. The Secretary of State shall transmit the original of such certificate to the secretary of the district and shall forward a certified copy to the county clerk of each county in which the district or any portion thereof is situated.

PART 8. REPEAL

SEC. 550 Chapter 429 of the Statutes of 1927 is repealed.

SEC. 551. The repeal effected by this part shall not be construed to deprive any district or person or any other entity of any substantial right which would have existed or hereafter exists had such repeal not been effected.

CHAPTER 210

An act making an appropriation in augmentation of Item 263, Budget Act of 1968, for the Emergency Fund, to take effect immediately.

[Approved by Governor June 16, 1969 Filed with Secretary of State June 16, 1969]

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

SECTION 1. The sum of one million three hundred thousand dollars ($1,300,000) is hereby appropriated for the Emergency Fund in augmentation of, and upon the same terms and conditions as, the appropriation made by Item 263 of the Budget Act of 1968.

SEC. 2. This 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 211

An act to amend Section 5613 of the Streets and Highways Code, relating to sidewalks

[Approved by Governor June 19, 1969. Filed with Secretary of State June 19, 1969.]

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

SECTION 1 Section 5613 of the Streets and Highways Code is amended to read:

5613. The postal card shall contain a notice to repair the sidewalk so out of repair, and the superintendent of streets shall, immediately upon the mailing of the notice, cause a copy thereof printed on a card of not less than 8 inches by 10 inches in size, to be posted in a conspicuous place on the property. In lieu of posting a copy of the mailed notice on the property as provided in this section, the superintendent of streets may, not less than seven days nor more than 10 days after the mailing of the first postal card notice, mail an additional postal card, postage prepaid, marked "Second Notice," to the person to whom the first postal card notice was addressed. The second notice shall otherwise contain the material required by this article, but shall not extend the time for commencing repairs specified in Section 5614.

CHAPTER 212

An act to amend Section 53892 of, and to add Section 53892.3 to, the Government Code, relating to financial reports.

[Approved by Governor June 19, 1969 Filed with Secretary of State June 19, 1969.]

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

SECTION 1. Section 53892 of the Government Code is amended to read:

53892. The report shall state:

(a) The aggregate amount of taxes levied and assessed against the taxable property in the local agency, which became due and payable during the next preceding fiscal year.

(b) The aggregate amount of taxes levied and assessed against such property collected by or for, the local agency during the fiscal year.

(c) The aggregate income during the preceding fiscal year, a general statement of the sources of the income, and the amount received from each source.

(d) The total expenditures made by administrative departments during the preceding fiscal year, a general statement of the purposes of the expenditures, and the amounts expended by each department.

(e) The assessed valuation of all of the taxable property in the local agency as set forth on the assessment roll of the local agency equalized for the fiscal year, or, if the officers of the county in which the city or district is situated have collected for the city or district the general taxes levied by the city or district for the fiscal year, the assessed valuation of all taxable property in the city or district as set forth on the assessment rolls for the county equalized for the fiscal year.

(f) The information required by Section 53892.2, as of the end of the fiscal year.

(g) The approximate population at the close of the fiscal year and the population as shown by the last regular federal census.

(h) Other information which the Controller requires.

(i) Such other matters necessary to complete and keep current the statistical information on assessments, revenues and taxation, collected and compiled by any Senate or Assembly interim committee on state and local taxation established by resolution of the Legislature or either house thereof.

(j) In the case of cities, the information required by Section 53892 3.

SEC. 2. Section 53892.3 is added to the Government Code, to read:

53892.3 Pursuant to Section 53892, the report shall, in the case of cities, also contain the following information:

(a) Total expenditures made during the next preceding fiscal year for the construction of public projects other than streets and highways.

(b) The total amount expended pursuant to competitive bidding during the next preceding fiscal year for the construction of public projects other than streets and highways.

The Legislature declares that in enacting this section there is no express or implied obligation on the part of cities to include costs of administrative overhead or any costs other than those directly expended for construction of public projects.

CHAPTER 213

An act to maintain the Labor Code by amending Sections 1185, 3365, 4800, 4801, 4802, 4803, and 6419, relating to labor.

[Approved by Governor June 19, 1969. Filed with Secretary of State June 19, 1969.]

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

SECTION 1. Section 1185 of the Labor Code is amended to read:

1185. The orders of the commission fixing minimum wages, maximum hours, and standard conditions of labor for women and minors, when promulgated in accordance with the provisions of this chapter, shall be valid and operative and such orders are hereby expressly exempted from the 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.

SEC. 2. Section 3365 of the Labor Code is amended to read:

3365. For the purposes of this division:

(a) Notwithstanding Sections 2700, 2766, and 2791 of the Penal Code, except as provided in subdivisions (b) and (c), each person engaged in suppressing a fire pursuant to Section 4153 or 4436 of the Public Resources Code, and each person (other than an independent contractor or an employee of

an independent contractor) engaged in suppressing a fire at the request of a public officer or employee charged with the duty of preventing or suppressing fires, is deemed to be an employee of the public entity that he is serving or assisting in the suppression of the fire, and is entitled to receive compensation from such public entity in accordance with the provisions of this division. A person is engaged in suppressing a fire only during the period he (1) is actually fighting the fire, (2) is being transported to or from the fire, or (3) is engaged in training exercises for fire suppression.

(b) A member of the armed forces of the United States while serving under military command in suppressing a fire is not an employee of a public entity.

(c) Neither a person who contracts to furnish aircraft with pilots to a public entity for fire prevention or suppression service, nor his employees, shall be deemed to be employees of the public entity; but a person who contracts to furnish aircraft to a public entity for fire prevention or suppression service and to pilot the aircraft himself shall be deemed to be an employee of the public entity

SEC. 3. Section 4800 of the Labor Code is amended to read:

4800. Whenever any member of the California Highway Patrol is disabled by injury or illness arising out of and in the course of his duties, he shall become entitled, regardless of his period of service with the patrol to leave of absence while so disabled without loss of salary, in lieu of disability payments under this chapter, for a period of not exceeding one year. This section shall apply only to members of the California Highway Patrol whose principal duties consist of active law enforcement and shall not apply to persons employed in the Department of the California Highway Patrol whose principal duties are those of telephone operator, clerk, stenographer, machinist, mechanic or otherwise clearly not falling within the scope of active law enforcement service, even though such person is subject to occasional call or is occasionally called upon to perform duties within the scope of active law enforcement service.

This section shall apply to harbor policemen employed by the San Francisco Port Authority who are described in Section 20017.76 of the Government Code.

SEC. 4. Section 4801 of the Labor Code is amended to read:

4801. It shall be the duty of the appeals board to determine in the case of members of the California Highway Patrol, upon request of the Department of the California Highway Patrol, and, in the case of the harbor policemen, upon the request of the San Francisco Port Authority, whether or not the disability referred to in Section 4800 arose out of and in the course of duty. The appeals board shall, also, in any disputed case, determine when such disability ceases.

SEC. 5. Section 4802 of the Labor Code is amended to read:

4802. Any such member of the California Highway Patrol, or any such harbor policeman, so disabled is entitled from the

date of injury and regardless of retirement under the State Employees' Retirement System, to the medical, surgical and hospital benefits prescribed by this division as part of the compensation for persons injured in the course of and arising out of their employment, at the expense of the Department of the California Highway Patrol, or the San Francisco Port Authority, as the case may be, and such expense shall be charged upon the fund out of which the compensation of the member is paid.

SEC. 6. Section 4803 of the Labor Code is amended to read:

4803. Whenever such disability of such member of the California Highway Patrol, or of such harbor policeman, continues for a period beyond one year, such member or harbor policeman shall thereafter be subject, as to disability indemnity, to the provisions of this division other than Section 4800, which refers to temporary disability only, during the remainder of the disability, except that such compensation shall be paid out of funds available for the support of the Department of the California Highway Patrol, or the San Francisco Port Authority, as the case may be, and the leave of absence shall continue.

SEC. 7. Section 6419 of the Labor Code is amended to read:

6419. All portable and all mobile internal combustion engines that are used inside factories, manufacturing plants, warehouses, buildings and other enclosed structures shall be equipped with a certified exhaust purifier device after the certification of such a device by the State Air Resources Board.

The Division of Industrial Safety shall be responsible for the enforcement of the provisions of this section.

CHAPTER 214

An act to amend Section 10854.1 of the Revenue and Taxation Code, and to amend Section 9558 of the Vehicle Code, relating to vehicle fees.

[Approved by Governor June 19, 1969. Filed with Secretary of State June 19, 1969.]

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

SECTION 1. Section 10854.1 of the Revenue and Taxation Code is amended to read:

10854.1. If a check in payment of a fee or penalty is not paid by the bank on which it is drawn on its first presentation, the person tendering the check remains liable for the payment of the fee, or fee and penalty, as if he had not tendered the check. The department in its discretion may redeposit a check in payment of fee or fee and penalty not more than once without assessing additional penalties.

SEC. 2. Section 9558 of the Vehicle Code is amended to read:

9558. If a check in payment of a fee or penalty is not paid by the bank on which it is drawn on its first presentation, the person tendering the check remains liable for the payment of the fee, or fee and penalty, as if he had not tendered the check. The department in its discretion may redeposit a check in payment of the fee, or the fee and penalty, not more than once without assessing additional penalties.

CHAPTER 215

An act to repeal Sections 5032, 5033, 5034, 5037 and 5039 of the Public Resources Code, relating to state parks and monuments.

[Approved by Governor June 19, 1969. Filed with Secretary of State June 19, 1969.]

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

SECTION 1. Section 5032 of the Public Resources Code is repealed.

SEC. 2. Section 5033 of the Public Resources Code is repealed.

SEC. 3. Section 5034 of the Public Resources Code is repealed.

SEC. 4. Section 5037 of the Public Resources Code is repealed.

SEC. 5. Section 5039 of the Public Resources Code is repealed.

CHAPTER 216

An act to amend Section 650 of the Unemployment Insurance Code, and to amend Sections 10008 and 10030, and to repeal Sections 10017, 10018, and 10019, of the Business and Professions Code, relating to business opportunity regulations.

[Approved by Governor June 19, 1969. Filed with Secretary of State June 19, 1969.]

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

SECTION 1. Section 650 of the Unemployment Insurance Code is amended to read:

650. "Employment" does not include services performed as a real estate, mineral, oil and gas, or cemetery broker or as a real estate, or cemetery salesman by an individual who is licensed in one of such classes by the state and who is remunerated solely by way of commission.

SEC. 2. Section 10008 of the Business and Professions Code is amended to read:

10008. "Provisions of this part relating to business opportunity regulation" refers to the provisions of Chapters 1, 2, and 6 of Part 1.

SEC. 3. Section 10017 of the Business and Professions Code is repealed.

SEC. 4. Section 10018 of the Business and Professions Code is repealed.

SEC. 5. Section 10019 of the Business and Professions Code is repealed.

SEC. 6. Section 10030 of the Business and Professions Code is amended to read:

10030. As used in this part, the words "business opportunity" shall include the sale or lease of the business and goodwill of an existing business enterprise or opportunity.

CHAPTER 217

An act to amend Sections 58605 and 58893 of, to add Sections 58656, 58892.1 and 58892.2 to, and to repeal Section 58656 of, the Agricultural Code, relating to agriculture, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 19, 1969. Filed with Secretary of State June 19, 1969.]

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

SECTION 1. Section 58605 of the Agricultural Code is amended to read:

58605. "Commodity," except as otherwise provided in Section 58747, means any agricultural, horticultural (including floricultural), viticultural (including wine) or vegetable product which is produced in this state, any fish or seafood, or any class, variety, or utilization of such product, either in its natural state or as processed by a processor or as processed by a producer for the purpose of marketing such product. It includes bees, honey, and milk as defined in Section 32511. It does not, however, include timber or any timber product.

The Legislature hereby declares that the addition of the phrase "(including wine)" in this section is made for the purpose of clarification only and is in nowise to be construed or interpreted as an indication that wine is not a commodity as originally defined by Chapter 404, Statutes of 1937, and as heretofore amended. The Legislature further declares that at the time of the original enactment of the definition of the term "commodity" and at all times since, it intended that wine be, and wine was, included within the definition of the term. Every marketing order issued, signed, or declared effective prior to July 15, 1941, and every act of the director prior to such date which was performed pursuant to the provisions of this chapter and consistent with the declarations which are contained in this paragraph are hereby confirmed, ratified, and validated.

SEC. 2. Section 58656 of the Agricultural Code is repealed.

SEC. 3. Section 58656 is added to the Agricultural Code, to read:

58656. Except as provided in this section, any marketing order or agreement relating to milk, other than manufacturing milk as defined in Section 32509 and any market milk which is used in the manufacturing of any dairy product or product resembling a milk product in which the use of manufacturing milk is permitted by Division 15 (commencing with Section 32501) of this code, may include only the following provisions:

(a) Provisions for advertising and sales promotion of milk and milk products in accordance with Section 58889;

(b) Provisions for research studies for milk and milk products in accordance with Sections 58892 and 58892.1;

(c) Provisions for an educational program in accordance with Section 58893;

(d) Any other appropriate provisions authorized by this chapter necessary to carry out the purposes of subdivisions (a), (b), and (c) of this section.

The limitations in this section as to permissible provisions in a marketing order are not applicable during any period of time in which there are not both stabilization and marketing plans and pooling plans in force and effect pursuant to Chapter 2 (commencing with Section 61801) and Chapter 3 (commencing with Section 62700) of Part 3 of Division 21 with respect to fluid milk as defined in those chapters.

SEC. 4. Section 58892.1 is added to the Agricultural Code, to read:

58892.1. A marketing order may contain provisions for research studies concerning the health, food, nutritional, therapeutic, dietetic or such qualities of other food products, for the development of new food products, or for the development of new uses for agricultural products.

SEC. 4.5. Section 58892.2 is added to the Agricultural Code, to read:

58892.2. No marketing order for milk shall be issued by the director unless he finds that such marketing order does not conflict with the provisions of Chapter 2 (commencing with Section 61801) or Chapter 3 (commencing with Section 62700) of Part 3 of Division 21.

SEC. 5. Section 58893 of the Agricultural Code is amended to read:

58893. A marketing order may contain provisions which establish, or provide authority for establishing, for any commodity, either as such commodity is produced or is delivered by producers to handlers, or as handled or otherwise prepared for market, or as marketed by producers or handlers, an educational program which is designed to acquaint producers, handlers, consumers or other interested persons with quality improvement and nutritional values, including sanitation practices, procedures, or methods as applied to such commodity.

SEC 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety

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

There is need for marketing orders for milk and milk products which if not available may cause economic dislocation in the dairy industry and might adversely affect the supply of dairy products available to the public, therefore in order to assure a plentiful supply of milk and milk products it is necessary that this act go into immediate effect.

CHAPTER 218

An act to add Section 25261 to the Vehicle Code, relating to vehicles.

[Approved by Governor June 19, 1969. Filed with Secretary of State June 19, 1969.]

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

SECTION 1. Section 25261 is added to the Vehicle Code, to read:

25261. Vehicles used by a county or county department of agriculture and vehicles of duly authorized representatives thereof, actually engaged in weed control or pest detection, may display flashing amber warning lights to the front, sides, or rear when necessarily parked on a highway or when moving at a speed slower than the normal flow of traffic.

CHAPTER 219

An act to add Section 31000.2 to the Government Code, relating to counties, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 19, 1969. Filed with Secretary of State June 19, 1969.]

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

SECTION 1. Section 31000.2 is added to the Government Code, to read:

31000.2. The board of supervisors may pay special allowances such as per diem stipends for members of commissions or committees of citizens established pursuant to the provisions of Section 31000.1 when such allowances are authorized and reimbursable under federal programs in which county participation is approved by the board.

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

Certain federally financed programs are administered by the counties in partnership with the federal government. These programs provide for broad representation on commissions and committees of citizens from all segments of society, but because of the limitations on the payment of allowances, certain actual and necessary expenses of members of the commissions and committees cannot be paid. This has resulted in these programs not having the desired broad representation because of the financial inability of certain segments of society to participate. In order to provide the desired representation on these commissions and committees, it is necessary that this act go into effect immediately.

CHAPTER 220

An act to amend Sections 1627, 1628, 1637, 1648, 1656, 1661, and 1697 of the Insurance Code, relating to insurance.

[Approved by Governor June 19, 1969. Filed with Secretary of State June 19, 1969.]

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

SECTION 1. Section 1627 of the Insurance Code is amended to read:

1627. A license is a permit to act in the capacity specified therein. A person licensed is the holder of such license. In case of a license to act as a life agent, insurance agent, or insurance broker issued to an organization, the organization is the holder thereof, but the natural person or persons named thereon are thereby permitted to exercise the agency or brokerage powers of the organization in accordance with and subject to the provisions of this chapter and other applicable law. As used in this chapter, the term "license" includes a certificate of convenience and a permanent license, and the term "persons who are licensed" includes the holders of any such certificate or such license, but these definitions and the use of such terms in this chapter shall not confer upon a certificate of convenience or any holder thereof any property right in or to such certificate, such certificate being and remaining only a temporary permit, issued as a matter of convenience, allowing the transaction of insurance without a permanent license, but within the limits, and subject to the conditions of the certificate of convenience issued and the laws applicable thereto.

SEC. 2. Section 1628 of the Insurance Code is amended to read:

1628. As used in this chapter, an organization is a copartnership, association, or corporation. Where reference is made to a natural person named on an organization license, such reference shall be to a person who is named to exercise the power and perform the duties under an organization license.

SEC. 3. Section 1637 of the Insurance Code is amended to read:

1637. An organization may hold any license or licenses necessary to act in the following capacities under this chapter and no others:

(a) A license to act as an insurance agent;

(b) A license to act as an insurance broker;

(c) A license to act as a life and disability agent;

(d) A license to act as a life only agent;

(e) A license to act as a disability only agent.

SEC. 4. Section 1648 of the Insurance Code is amended to read:

1648. A limited partnership, unincorporated association, or nonprofit corporation which is not the holder of a certificate of authority issued pursuant to Part 5 (commencing with Section 12140), Division 2 of this code is not eligible for a license under this chapter unless each member thereof possesses an individual license to transact each class of insurance authorized by such license or is a natural person named on such license to transact thereunder; provided, that the commissioner may issue any such license to a limited partnership upon a showing by the applicant satisfactory to the commissioner that the partnership agreement will not result in any violation of the provisions of Article 5 (commencing with Section 750), Chapter 1, Part 2, Division 1 of this code.

This section is not applicable to any nonprofit cemetery company exempt from the taxes imposed by Part 11 (commencing with Section 23001), Division 2 of the Revenue and Taxation Code under the provisions of Section 23701c of the Revenue and Taxation Code.

SEC. 5. Section 1656 of the Insurance Code is amended to read:

1656. Every application for a license filed by an organization shall contain:

(a) The names of the members, officers or employees of the applicant who may exercise the power and perform the duties under the license; and

(b) An agreement by all members of the copartnership, or of an officer empowered to bind the association or corporation, that in the event the applicant is granted the license, only those persons named in the license will transact the insurance authorized under the license.

SEC. 6. Section 1661 of the Insurance Code is amended to read:

1661. Whenever an organization licensed as a life agent, insurance agent, or insurance broker, desires to change, remove, or add to, the natural person or persons who are to transact insurance under authority of its license, it shall immediately file an application with the commissioner for an endorsement changing its license accordingly. The commissioner shall require that the qualifying examination provided by this code be taken by any natural person named by such

organization to exercise its agency or brokerage powers who, if he were applying for an individual license, would be required to take and pass the qualifying examination. Such natural person or persons and such organization are in all other respects subject to the provisions of this chapter and the insurance laws.

SEC. 7. Section 1697 of the Insurance Code is amended to read:

1697. A military service certificate of convenience may be issued to an organization only under the following circumstances:

(a) Such organization is the holder of a permanent license, and

(b) The person entering the military service of the United States is the only natural person named on the license of such organization.

CHAPTER 221

An act to amend Section 23270 of the Vehicle Code, relating to towing on vehicular crossings.

[Approved by Governor June 19, 1969. Filed with Secretary of State June 19, 1969.]

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

SECTION 1. Section 23270 of the Vehicle Code is amended to read:

23270. (a) No person other than an employee of the Department of Public Works shall commence to tow any vehicle or other object on any vehicular crossing. No person other than a member of the California Highway Patrol or an employee of the Department of Public Works shall by means of pushing with another vehicle propel any vehicle or object on a vehicular crossing. No person other than an employee of the Department of Public Works shall on any vehicular crossing, tow any vehicle or other object except a vehicle or object constructed and designed to be towed by a vehicle of a type similar to that being used for such purpose.

(b) The Director of Public Works may grant a special permit to any person to tow any vehicle or object over and completely across any vehicular crossing when in his judgment the towing vehicle is so constructed and equipped that the vehicle or object can be towed across the vehicular crossing without endangering persons or property and without interrupting the orderly traffic across the vehicular crossing.

(c) The prohibitions of this section shall apply only on those vehicular crossings upon which a towing service is maintained by the Department of Public Works.

CHAPTER 222

An act to amend Section 15807 of the Financial Code, relating to credit unions.

[Approved by Governor June 19, 1969. Filed with Secretary of State June 19, 1969.]

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

SECTION 1. Section 15807 of the Financial Code is amended 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 accompanied by a report, certificate or opinion of 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.

CHAPTER 223

An act to amend Section 12304 of the Financial Code, relating to regulation of check sellers and cashers.

[Approved by Governor June 19, 1969. Filed with Secretary of State June 19, 1969.]

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

SECTION 1. Section 12304 of the Financial Code is amended to read:

12304. (a) Each licensee, except a special prorater, shall submit to the commissioner, at such licensee's own expense, an audit report containing audited financial statements covering the calendar year or, if such licensee has an established fiscal year, then for such fiscal year, within 105 days after the close of each such calendar or fiscal year. At such time, each licensee shall also file such additional relevant information as the commissioner may require.

(b) Within 30 days after receipt of a request from the commissioner, a licensee or other person subject to this division shall submit to the commissioner, at such person's own expense, an audit report containing audited financial statements covering the 12 calendar months next preceding the month of receipt of the request, or such other period as the commissioner may require. Unless the public interest shall otherwise require, the commissioner shall exempt a licensee from the provisions of subdivision (a) hereof, in whole or in part, if such licensee has complied with a request pursuant to this subdivision (b) for financial statements as of a date within the calendar or fiscal year for which such exemption is granted.

(c) A licensee whose license has been surrendered or revoked shall submit to the commissioner, at its own expense, on or before 105 days after the effective date of such surrender or revocation, a closing audit report containing audited financial statements as of such effective date for the 12 months ending with such effective date, or for such other period as the commissioner may specify. Such report shall include the information required by subdivision (a) of this section and other relevant information specified by the commissioner. A licensee who has complied with this subdivision is exempted from subdivision (a) hereof.

(d) The reports and financial statements referred to in subdivisions (a), (b), and (c) of this section shall include at least a balance sheet and a statement of income for the year ended

on the balance sheet date together with such other relevant information as the commissioner may require, and shall be prepared in accordance with generally accepted accounting principles and shall be accompanied by a report, certificate or opinion of an independent certified public accountant or independent public accountant. The audits shall be conducted in accordance with generally accepted auditing standards and the rules and regulations of the commissioner.

(e) A licensee shall make other special reports to the commissioner as the commissioner may from time to time require.

(f) For good cause and upon written request, the commissioner may extend the time for compliance with subdivisions (a), (b) and (c) of this section.

(g) A licensee shall, when requested by the commissioner, for good cause, submit its unaudited financial statement, prepared in accordance with generally accepted accounting principles and consisting of at least a balance sheet and statement of income as of the date and for the period specified by the commissioner. The commissioner may require the submission of such reports on a monthly or other periodic basis.

(h) If the report, certificate or opinion of the independent accountant referred to in subdivision (d) hereof is in any way qualified, the commissioner may require the licensee to take such action as he deems appropriate to permit an independent accountant to remove such qualification from the report, certificate or opinion.

(i) The commissioner may reject any financial statement, report, certificate or opinion filed pursuant to this section by notifying the licensee or other person required to make such filing of its rejection and the cause thereof. Within 30 days after the receipt of such notice, the licensee or other person shall correct such deficiency, and the failure so to do shall be deemed a violation of this division. The commissioner shall retain a copy of all filings so rejected.

(j) The commissioner may make rules and regulations specifying the form and content of the reports and financial statements referred to in this section, and may require that such reports and financial statements be verified by the licensee in such manner as he may prescribe.

CHAPTER 224

An act to amend Section 17406 of the Financial Code, relating to escrow regulations.

[Approved by Governor June 19, 1969. Filed with Secretary of State June 19, 1969.]

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

SECTION 1. Section 17406 of the Financial Code is amended to read:

17406. (a) Each licensee shall submit to the commissioner, at such licensee's own expense, an audit report containing audited financial statements covering the calendar year or, if such licensee has an established fiscal year, then for such fiscal year, within 105 days after the close of each such calendar or fiscal year. At such time, each licensee shall also file such additional relevant information as the commissioner may require.

(b) Within 30 days after receipt of a request from the commissioner, a licensee or other person subject to this division shall submit to the commissioner, at such person's own expense, an audit report containing audited financial statements covering the 12 calendar months next preceding the month of receipt of the request, or such other period as the commissioner may require. Unless the public interest shall otherwise require, the commissioner shall exempt a licensee from the provisions of subdivision (a) hereof in whole or in part if such licensee has complied with a request pursuant to this subdivision as of a date within the calendar or fiscal year for which such exemption is granted.

(c) A licensee whose license has been surrendered or revoked shall submit to the commissioner, at its own expense, on or before 105 days after the effective date of such surrender or revocation, a closing audit report containing audited financial statements as of such effective date for the 12 months ending with such effective date, or for such other period as the commissioner may specify. Such report shall include the information required by subdivision (a) of this section and other relevant information specified by the commissioner. A licensee who has complied with this subdivision is exempted from subdivision (a) of this section.

(d) The reports and financial statements referred to in subdivisions (a), (b), and (c) of this section shall include at least a balance sheet and a statement of income for the year ended on the balance sheet date together with such other relevant information as the commissioner may require, and shall be prepared in accordance with generally accepted accounting principles, and shall be accompanied by a report, certificate, or opinion of, an independent certified public accountant or independent public accountant. The audits shall be conducted in accordance with generally accepted auditing standards and the rules and regulations of the commissioner.

(e) A licensee shall make other special reports to the commissioner as the commissioner may from time to time require.

(f) For good cause and upon written request. the commissioner may extend the time for compliance with subdivisions (a), (b) and (c) of this section.

(g) A licensee shall, when requested by the commissioner, submit its unaudited financial statements, prepared in accordance with generally accepted accounting principles and consisting of at least a balance sheet and statement of income and expense as of the date and for the period specified by the com-

missioner. The commissioner may require the submission of such reports on a monthly or other periodic basis.

(h) If the report, certificate, or opinion of the independent accountant referred to in subdivision (d) hereof is in any way qualified, the commissioner may require the licensee to take such action as he deems appropriate to permit an independent accountant to remove such qualifications from the report, certificate or opinion.

(i) The commissioner may reject any financial statement, report, certificate or opinion by notifying the licensee or other person required to make such filing of its rejection and the cause thereof. Within 30 days after the receipt of such notice, the licensee or other person shall correct such deficiency and the failure so to do shall be deemed a violation of this division. The commissioner shall retain a copy of all filings so rejected.

(j) The commissioner may make rules and regulations specifying the form and content of the reports and financial statements referred to in this section, and may require that such reports and financial statements be verified by the licensee in such manner as he may prescribe.

CHAPTER 225

An act to amend Section 18610 of the Financial Code, relating to industrial loan companies.

[Approved by Governor June 19, 1969. Filed with Secretary of State June 19, 1969.]

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

SECTION 1. Section 18610 of the Financial Code is amended to read:

18610. (a) On or before the 15th day of March of every year, each company shall file with the commissioner an audit report containing audited financial statements together with such other relevant information as the commissioner may require relating to the company and to each place of business of the company. The audited financial statements shall include a balance sheet of the company prepared as of the last day of the preceding calendar year and statements of income and of surplus for such calendar year.

(b) A company shall, when requested by the commissioner, submit its unaudited financial statements, prepared in accordance with generally accepted accounting principles and consisting of at least a balance sheet and a statement of income as of the date and for the period specified by the commissioner. The commissioner may require the submission of such reports on a monthly or other periodic basis.

(c) A company whose certificate has been surrendered or revoked shall, on or before 105 days after the effective date of

such surrender or revocation, submit to the commissioner a closing audit report containing audited financial statements as of such effective date for the 12 months ending with such effective date, or for such other period as the commissioner may specify. Such report shall include the information required by subdivision (a) of this section and other relevant information specified by the commissioner. A company which has complied with this subdivision is exempted from the provisions of subdivision (a).

(d) The reports and financial statements referred to in subdivisions (a) and (c) shall be prepared in accordance with generally accepted accounting principles and shall be accompanied by a report, certificate, or opinion of an independent certified public accountant or independent public accountant, and shall contain such relevant information as the commissioner may require. The audits shall be conducted in accordance with generally accepted auditing standards and the rules and regulations of the commissioner.

(e) A company shall make other special reports to the commissioner as the commissioner may from time to time require.

(f) For good cause and upon written request, the commissioner may extend the time for compliance with subdivisions (a) and (c).

(g) For the purposes of the composite report provided for by Section 18611, each company shall furnish statistical information as is reasonably required by the commissioner, including information for each place of business of the company and as to any parent, subsidiary or affiliated company. An affiliated company is a company under substantially the same management or control, directly or indirectly, as the company.

(h) If the report, certificate or opinion of the independent accountant referred to in subdivision (d) hereof is in any way qualified, the commissioner may require the company to take such action as he deems appropriate to permit an independent accountant to remove such qualification from the report, certificate or opinion.

(i) The commissioner may reject any financial statement, report, certificate or opinion filed pursuant to this section by notifying the company required to make such filing of its rejection and the cause thereof. Within 30 days after the receipt of such notice, the company shall correct such deficiency, and the failure so to do shall be deemed a violation of this division The commissioner shall retain a copy of all filings so rejected.

(j) The commissioner may by rule or regulation specify the form and contents of the financial statements, reports, certificates and opinions required to be filed pursuant to this section, and may require that such reports and financial statements be verified in such manner as he may prescribe.

(k) The commissioner may make available to any inquirer information contained in the reports filed pursuant to this section.

CHAPTER 226

An act to amend Section 21704 of the Vehicle Code, relating to distances between vehicles.

[Approved by Governor June 19, 1969. Filed with Secretary of State June 19, 1969.]

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

SECTION 1. Section 21704 of the Vehicle Code is amended to read:

21704. (a) The driver of any motor vehicle subject to the speed restriction of Section 22406 that is operated outside of a business or residence district, shall keep the vehicle he is driving at a distance of not less than 300 feet to the rear of any other motor vehicle subject to such speed restriction which is preceding it.

(b) The provisions of this section shall not prevent overtaking and passing nor shall they apply upon a highway with two or more lanes for traffic in the direction of travel.

CHAPTER 227

An act to amend Section 667 of the Insurance Code, relating to insurance.

[Approved by Governor June 19, 1969. Filed with Secretary of State June 19, 1969.]

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

SECTION 1. Section 667 of the Insurance Code is amended to read:

667. There shall be no liability on the part of, and no cause of action of any nature shall arise against, the Insurance Commissioner or against any insurer, its authorized representative, its agents, its employees, or any firm, person, or corporation furnishing to the insurer information as to reasons for cancellation or nonrenewal, for any statement made by any of them in any written notice of cancellation or nonrenewal, or in any other communication, oral or written, specifying the reasons for cancellation or nonrenewal, or the providing of information pertaining thereto, or for statements made or evidence submitted at any hearings conducted in connection therewith.

CHAPTER 228

An act to amend Sections 35701 and 35801 of the Government Code, relating to consolidation of cities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 19, 1969. Filed with Secretary of State June 19, 1969.]

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

SECTION 1. Section 35701 of the Government Code is amended to read:

35701. When two or more cities participate in consolidation proceedings, pursuant to this article, "consolidating city" means the city with the largest population, and "initiating city" or "initiating cities" mean the city or cities with the lesser population.

However, the legislative bodies of all of the cities may by resolution provide that any city regardless of population may be the "consolidating city" for purposes of this article. The resolution shall be approved by a majority vote of the legislative body of each city.

SEC. 2. Section 35801 of the Government Code is amended to read:

35801. When two or more cities participate in consolidation proceedings, pursuant to this article, "consolidating city" means the city with the largest population, and "initiating city" or "initiating cities" mean the city or cities with the lesser population.

However, the legislative bodies of all of the cities may by resolution provide that any city regardless of population may be the "consolidating city" for purposes of this article. The resolution shall be approved by a majority vote of the legislative body of each city.

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

In order for the alternative procedure of this act to be available during this year, this act must take effect immediately.

CHAPTER 229

An act making an appropriation to the Livermore Valley Unified School District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 19, 1969. Filed with Secretary of State June 19, 1969.]

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

SECTION 1. The Livermore Valley Unified School District is a low-wealth school district, with a total assessed valuation of approximately seventy-six million one hundred eighty-nine thousand dollars ($76,189,000) for 2,600 high school students and 8,060 elementary students. Administrative errors in budgeting and estimates of income and expenditures discovered in

the middle of the 1968–1969 fiscal year have placed the school district in a dire financial position where it will be unable to meet its current obligations, including payment of salaries to employees. In addition, federal funds received by the school district pursuant to Public Law 81-874 are substantially lower than originally estimated. If the school district is unable to meet its contracted obligations, employees, as well as creditors, many of whom are small businessmen in the community, will suffer great financial injury.

The Legislature finds that the unique circumstances in the Livermore Valley Unified School District require immediate and special legislation and that a general statute cannot be made applicable to these circumstances within the meaning of Section 16 of Article IV of the California Constitution. The appropriation made by Section 2 of this act is made in view of the unique circumstances in the Livermore Valley Unified School District, and is made for that purpose only. It is not the intention of the Legislature to establish a precedent with respect to the appropriation made by this act, but rather to assist in a situation involving unique circumstances when appropriate justification for such assistance has been found.

SEC. 2. There is hereby appropriated from the General Fund in the State Treasury the sum of five hundred thousand dollars ($500,000), or so much thereof as may be necessary, to the Livermore Valley Unified School District to enable the district to pay contracted indebtedness, due and owing, in the 1968–1969 fiscal year.

SEC. 3. The Superintendent of Public Instruction shall, during the 1969–1970 fiscal year, and during the 1970–1971 fiscal year, withhold from the apportionments to be made to the district from the State School Fund in each of those years an amount equal to one-half of the amount actually disbursed to the district from the appropriation made pursuant to Section 2 of this act, together with amounts representing interest at a rate fixed by the Director of Finance as of the date of the disbursement of funds to the district pursuant to Section 2 of this act, based upon the current market rate of interest. Such withholdings shall be directed to the end that the entire amount disbursed, plus the interest, shall have been recouped by the state at the end of the 1970–1971 fiscal year

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 money may be made available to the Livermore Valley Unified School District at the earliest possible time to aid the district in averting a financial crisis which directly involves the entire area of the district, it is necessary that this act take immediate effect.

CHAPTER 230

An act to add Section 7.5 to the Metropolitan Water District Act (Chapter 429 of the Statutes of 1927), and to amend Sections 201, 222, 242, and 252 of, and add Chapter 15 (commencing with Section 233) to Part 5 of, the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, relating to metropolitan water districts and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 24, 1969. Filed with Secretary of State June 24, 1969.]

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

SECTION 1. Section 7.5 is added to the Metropolitan Water District Act (Chapter 429 of the Statutes of 1927), to read:

Sec. 7.5 The board of directors by a two-thirds vote may, without a vote of the electors, issue general obligation bonds of the district; provided that: (a) the aggregate principal amount of such bonds shall not exceed the then unissued balance of the principal amount of bonds authorized at an election held in the district prior to July 1, 1966; (b) the bonds are issued for the same purpose as that for which the proceeds of said unissued bonds could have been used; and (c) the bonds are issued in accordance with the provisions of Section 7 except for the requirement of a bond election. The bonds issued pursuant to this section may bear interest at a rate or rates not to exceed 7 percent per annum, payable semiannually. When bonds are issued pursuant to this section, unissued bonds as referred to in (a) above in a principal amount equal to the principal amount of bonds issued pursuant to this section shall not be issued. The authority to issue bonds pursuant to this section shall expire on July 1, 1974.

SEC. 2. Section 201 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 201. The declaration of public interest or necessity required by Section 200 and the provision for the holding of such election on the proposition of incurring a bonded indebtedness may be included within one and the same ordinance, which in addition to such declaration of public interest or necessity shall recite all of the following:

(a) The objects and purposes for which the indebtedness is proposed to be incurred.

(b) The estimated cost thereof, or the estimated amount of preliminary expenses, as the case may be.

(c) The amount of the principal of the indebtedness to be incurred therefor.

(d) The maximum rate of interest to be paid on such indebtedness, which rate shall not exceed 7 percent per annum payable semiannually.

SEC. 3. Section 222 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 222. The bonds shall be issued in such denominations as the board may determine, and shall be payable on the day and at the place or places fixed in such bonds and with interest at the rate specified therein, which rate shall not be in excess of 7 percent per annum, and shall be payable semiannually.

SEC. 4. Chapter 1.5 (commencing with Section 233) is added to Part 5 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, to read:

CHAPTER 1.5. SUBSTITUTE BONDS

Sec. 233. The board by a two-thirds vote may, without a vote of the electors, issue general obligation bonds of the district subject to the following conditions:

(a) The aggregate principal amount of such bonds shall not exceed the then unissued balance of the principal amount of bonds authorized at an election held in the district prior to July 1, 1966.

(b) The bonds are issued for the same purpose as that for which the proceeds of such unissued bonds could have been used.

(c) The bonds are issued in accordance with the provisions of Chapter 1 (commencing with Section 200) of this part, except for the requirement of a bond election.

The bonds issued pursuant to this chapter may bear interest at a rate or rates not to exceed 7 percent per annum, payable semiannually. When bonds are issued pursuant to this chapter, unissued bonds as referred to in (a) above in a principal amount equal to the principal amount of bonds issued pursuant to this chapter shall not be issued.

Sec. 234. The authority to issue bonds pursuant to this chapter shall expire on July 1, 1974.

SEC. 5. Section 242 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec 242. All indebtedness incurred pursuant to this chapter shall be subject to the following limitations:

(a) The indebtedness so incurred shall not exceed one-half of 1 percent of the assessed valuation of the property within the district taxable for district purposes.

(b) The interest payable on such indebtedness shall not exceed 7 percent per annum payable semiannually.

(c) The term of such indebtedness shall not exceed 12 years.

If the maturity of such indebtedness begins more than one year after the date upon which it was incurred, provision shall be made for a sinking fund for the payment of the principal of such indebtedness on or before maturity.

SEC. 6. Section 242 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 242. All indebtedness incurred pursuant to this chapter shall be subject to the following limitations:

(a) The indebtedness so incurred shall not exceed one-half of 1 percent of the assessed valuation of the property within the district taxable for district purposes.

(b) The interest payable on such indebtedness shall not exceed 7 percent per annum payable semiannually.

(c) The term of such indebtedness shall not exceed 12 years.

SEC. 7. Section 252 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 252. All indebtedness incurred pursuant to this chapter shall be subject to the following limitations:

(a) The indebtedness so incurred outstanding at any time shall not exceed 50 percent of the aggregate amount of special taxes thereafter to be levied by the district pursuant to the authority of Articles 1, 2, or 3 of Chapter 1 of Part 7 and annexation proceedings concluded thereunder, or 1 percent of the assessed valuation of property within the district taxable for district purposes, whichever shall be the lesser.

(b) The interest payable on such indebtedness shall not exceed 7 percent per annum payable semiannually.

(c) The term of such indebtedness shall not exceed 12 years.

(d) The whole amount of such indebtedness or of the respective installment thereof, depending upon whether the bonds or other evidence of such indebtedness shall be issued in one block or in installments, shall be made payable in substantially equal annual parts during the term of such indebtedness or installment thereof, as the case may be.

SEC. 8. Section 252 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 252. All indebtedness incurred pursuant to this chapter shall be subject to the following limitations:

(a) The indebtedness so incurred outstanding at any time shall not exceed the sum of 50 percent of the aggregate amount of special taxes thereafter to be levied by the district pursuant to the authority of Articles 1, 2, or 3 of Chapter 1 of Part 7 and 50 percent of the aggregate amount that then would be acceptable in cash by the district as payment in full of special tax levies by the district pursuant to the authority of Article 6 (commencing with Section 405) of Chapter 1 of Part 7 and annexation proceedings concluded thereunder, or 1 percent of the assessed valuation of property within the district taxable for district purposes, whichever shall be the lesser.

(b) The interest payable on such indebtedness shall not exceed 7 percent per annum payable semiannually.

(c) The term of such indebtedness shall not exceed 12 years.

(d) The whole amount of such indebtedness or of the respective installment thereof, depending upon whether the bonds or other evidence of such indebtedness shall be issued in one block or in installments, shall be made payable in substantially equal annual parts during the term of such indebtedness or installment thereof, as the case may be.

SEC. 9. Sections 2, 3, 4, 5, and 7 of this act shall become operative only if Assembly Bill No. 1257 of the 1969 Regular Session is enacted into law, in which case Sections 2, 3, 4, 5, and 7 of this act shall become operative at the same time as Assembly Bill No. 1257 and shall control over Assembly Bill No. 1257, and at that time Section 1 of this act is repealed.

SEC. 10. It is the intent of the Legislature, if amendments proposed by both this bill and Assembly Bill No. 1694 to Sections 242 and 252 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, are enacted, that the amendments made by both bills be given effect and incorporated in Sections 242 and 252 in the form set forth in Sections 6 and 8 of this act. Therefore, in the event Assembly Bill No. 1694 is enacted, Sections 6 and 8 of this act shall become operative at the same time that Sections 242 and 252 as amended by Assembly Bill No. 1694 become operative, and at that time, Sections 242 and 252 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, as amended by Sections 5 and 7 of this act are repealed.

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

The electors within substantial portions of the Counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego and Ventura, in the southern part of this state, within the Metropolitan Water District of Southern California, a district duly organized and existing under the Metropolitan Water District Act of this state, approved in June 1966, an eight hundred fifty million dollar ($850,000,000) general obligation bond issue for the financing of works and facilities, so that the inhabitants of said area, who are in dire need of obtaining adequate supplies of water for domestic and municipal uses, may utilize such water. Future issuance of bonds so approved may be jeopardized because interest rates may be above the 6-percent limitation presently contained in said act. In order that the orderly and efficient issuance and marketing of such bonds may continue in order to complete construction of the works and facilities necessary to treat and deliver water from the State Water Project when such water becomes available, it is necessary that this act take effect immediately.

CHAPTER 231

An act to add Section 23126 to the Vehicle Code, relating to driving under the influence of alcohol.

[Approved by Governor June 24, 1969. Filed with Secretary of State June 24, 1969.]

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

SECTION 1. Section 23126 is added to the Vehicle Code, to read:

23126. (a) Upon the trial of any criminal action, or preliminary proceeding in a criminal action, arising out of acts alleged to have been committed by any person while driving a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the person's blood at the time of the test as shown by chemical analysis of his blood, breath, or urine shall give rise to the following presumptions affecting the burden of proof:

(1) If there was at that time less than 0.05 percent by weight of alcohol in the person's blood, it shall be presumed that the person was not under the influence of intoxicating liquor at the time of the alleged offense.

(2) If there was at that time 0.05 percent or more but less than 0.10 percent by weight of alcohol in the person's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor at the time of the alleged offense.

(3) If there was at that time 0.10 percent or more by weight of alcohol in the person's blood, it shall be presumed that the person was under the influence of intoxicating liquor at the time of the alleged offense.

(b) Percent by weight of alcohol in the blood shall be based upon grams of alcohol per 100 milliliters of blood.

(c) The foregoing provisions shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor at the time of the alleged offense.

CHAPTER 232

An act to amend Section 13833 of, and to add Section 13834 to, the Health and Safety Code, relating to fire protection districts.

[Approved by Governor June 24, 1969. Filed with Secretary of State June 24, 1969.]

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

SECTION 1. Section 13833 of the Health and Safety Code is amended to read:

13833. Subsequent to the formation of a district with a board of directors consisting of three elected members or the consolidation of two or more districts, if by unanimous resolution of the district board, it is proposed to increase the number of directors from three to five, the district board shall, upon adoption of such resolution, call a special election on the proposition of such change, such election to be held concurrently with the next general district election. If a majority of the votes cast are in favor of the proposition, the board of supervisors shall, at their next meeting, appoint two new directors. Section 23507 of the Elections Code shall govern the appointment and terms of directors appointed pursuant to this section and the election and terms of their successors.

SEC. 2. Section 13834 is added to the Health and Safety Code, to read:

13834. If, by petition of 50 or more electors, it is proposed to increase the number of directors from three to five, the district board shall, upon receipt of such petition, do one of the following:

(a) Call a special election as in the case of the adoption of a unanimous resolution of the district board.

(b) Publish a notice stating (1) that a petition to increase the number of directors from three to five has been filed with the district; (2) that on a specified date and at a specified time and place the district board will meet for the purpose of hearing the petition at which time any elector may appear and be heard regarding the proposed increase.

The notice required by this section shall be published pursuant to Section 6066 of the Government Code in at least one newspaper published in the district. The first publication shall be at least two weeks prior to the date specified for the meeting of the district board If there is no newspaper published in the district the notice shall be posted in three public places in the district not less than two weeks prior to the date specified for the meeting of the district board. No other notice of the meeting need be given.

After hearing the petition and finding it sufficient, the district board shall transmit the petition to the board of supervisors with its recommendation. The board of supervisors after receiving the petition and recommendations of the district board, may make an order appointing two new directors to the district board.

Section 23507 of the Elections Code shall govern the appointment and terms of directors appointed pursuant to this section and the election and terms of their successors.

CHAPTER 233

An act to amend Section 4986.1 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor June 24, 1969. Filed with Secretary of State June 24, 1969.]

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

SECTION 1. Section 4986.1 of the Revenue and Taxation Code is amended to read:

4986.1. (a) The board of supervisors of any county may prescribe that where the amount of unpaid taxes, penalties and costs to be transferred to the unsecured roll pursuant to Section 4986 is less than ten dollars ($10), such taxes, penalties and costs shall be canceled rather than transferred to the unsecured roll.

(b) The board of supervisors of any county may provide that all delinquent taxes, penalties and costs and a pro rata share of current taxes, penalties and costs as may have accrued thereon while on the secured roll which are computed in accordance with subdivision (2)(b) of Section 4986 shall be transferred to the unsecured roll and collected pursuant to Section 2921.5. In the event the board of supervisors of any county prescribes the procedure herein set forth, the court shall make no award of taxes in the eminent domain proceeding. The date for proration of current taxes and penalties shall be the date specified in subdivision (2)(b) of Section 4986.

CHAPTER 234

An act to maintain the Streets and Highways Code by amending Section 154, and repealing and adding Chapter 3.5 (commencing with Section 35450) of Part 4 of Division 18, relating to streets and highways.

[Approved by Governor June 24, 1969. Filed with Secretary of State June 24, 1969.]

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

SECTION 1. Section 154 of the Streets and Highways Code is amended to read:

154. The department shall encourage the construction and development by counties of portions of the county highways as official county scenic highways and may furnish to the counties any information or other assistance which will aid the counties in the construction or development of such scenic highways.

Whenever the department, with the advice of the Advisory Committee on a Master Plan for Scenic Highways, determines that any county highway meets the minimum standards pre-

scribed by the department for official scenic highways, including the concept of the "Complete Highway," as described in Section 261, it may authorize the county in which the highway is located to designate the highway as an official county scenic highway and the department shall so indicate the highway in publications of the department and in any maps which are prepared by the department for distribution to the public which show the highway.

If the department, with the advice of the Advisory Committee on a Master Plan for Scenic Highways, determines that any county highway which has been designated as an official county scenic highway no longer meets the minimum standards prescribed by the department for official scenic highways, it may, after notice to the county and a hearing on the matter, if requested by the county, revoke the authority of the county to designate the highway as an official county scenic highway.

SEC. 2. Chapter 3.5 (commencing with Section 35450) of Part 4 of Division 18 of the Streets and Highways Code is repealed.

SEC. 3. Chapter 3.5 (commencing with Section 35450) is added to Part 4 of Division 18 of the Streets and Highways Code, to read:

CHAPTER 3.5. ASSESSMENTS AND BONDS FOR ASSESSMENTS

Article 1. General Provisions

35450. Unless otherwise provided, the definitions contained in Chapter 1 (commencing with Section 4000) of Part 1 of Division 6 (the Street Opening Act of 1903), govern the construction of this chapter, unless from the context of this chapter it clearly appears that a different meaning is intended.

Article 2. Assessments

35460. If the legislative body on behalf of a district formed under this part has previously issued bonds pursuant to Chapter 3 (commencing with Section 35400) of this part which are payable primarily from revenues from parking places or revenues from parking meters on streets, or both, and if the legislative body determines that it would be in the best interests of the district to be relieved of the obligation to continue to produce such revenues, the legislative body may by resolution declare its intention to take proceedings under this chapter for the levy of an assessment to provide the funds necessary for the redemption of the outstanding bonds. In such resolution the legislative body shall determine the maximum interest rate on and term of the bonds to be issued to represent unpaid assessments.

35461. In the resolution, the legislative body shall order the engineer to make and deliver a diagram of the parking places for which the outstanding bonds were issued and of the property within the district.

35462. The diagram shall show:

(a) The parking places for which the outstanding bonds were issued.

(b) Each separate lot or parcel of land within the district.

(c) The dimensions of each such lot or parcel of land and its relative location to the parking places for which the outstanding bonds were issued.

35463. The diagram shall be delivered to the street superintendent who shall endorse the date of such delivery on the diagram.

35464. Upon receiving the diagram, the street superintendent shall assess the total amount necessary for the redemption of the outstanding bonds against the land within the district subject to assessment, and all incidental costs and expenses in connection therewith, including, but not limited to, engineer and attorney fees, costs in connection with preparation of the diagram, and all other costs necessarily incurred or to be incurred as a result of proceeding under this chapter. The assessment shall be in proportion to the benefits derived from the parking place for which such bonds were issued. The total amount necessary for the redemption of the outstanding bonds shall include the principal thereof, the interest thereon to maturity or to the first available call date, and the premiums which must be paid to call the bonds.

35465. All land within the district shall be assessed to provide the funds necessary for the redemption of the outstanding bonds, except:

(a) Land owned by the United States.

(b) Streets, alleys, and highways.

(c) Property acquired for parking places pursuant to this part.

(d) Public property exempt from assessment pursuant to Section 35466.

35466. Any lot or parcel of land in any public use belonging to the state or to any county, city, district, or other public corporation, public agent, mandatory of the government, school board, educational, penal, or reform institution, or institution for the feebleminded or insane, in use in the performance of a public function and lying within the district is not subject to assessment unless the consent of its governing body to the assessment is filed with the legislative body at or prior to the confirmation of the assessment. If such consent is filed, the land is subject to assessment in the same manner as other land within the district.

35467. An assessment upon public property is an enforceable obligation against the owner or the governing body controlling the property and shall be paid by the officer or board having charge of the disbursement of its funds.

35468. If no money is available for the payment of an assessment of public property, the board or officer whose duty it is to levy taxes for the owner of the public property shall include in the next tax levy an amount, in addition to money for

all other purposes, sufficient to pay the assessment and the interest thereon from the date the assessment is recorded, at the rate established for the bonds. When the money received from the tax levy is available, the assessment and interest shall be paid by the officer or board having charge of the disbursement of the funds of the owner.

Any duty imposed by this section and Section 35467 may be enforced by action, mandamus, or other proceeding.

35469. The assessment shall be made, notice given, hearing held, and the assessment confirmed and recorded substantially in the manner provided in Chapter 11 (commencing with Section 4270) of Part 1 of Division 6 (the Street Opening Act of 1903), and the provisions of that chapter relating to the method of making or spreading the assessment, the giving of notice, the making and waiving of objections, appeals or protests, the holding of the hearing, the finality and conclusiveness of the decisions and determinations of the legislative body, and the confirmation and recordation of the assessment are adopted as the procedure to be followed pursuant to this chapter. Except as provided by this chapter, all of the powers and authority granted in Chapter 11 (commencing with Section 4270) of Part 1 of Division 6 (the Street Opening Act of 1903) are applicable to any assessment to be levied pursuant to this chapter.

35469.5. The notice published pursuant to Section 4280 and the notices mailed pursuant to Section 4281 shall also contain a statement that the legislative body has declared its intention to take proceedings under this chapter for the levy of an assessment to provide funds necessary for the redemption of the outstanding bonds and shall state the maximum interest rate on and term of bonds to be issued to represent unpaid assessments. The notice shall also state that any person who has any objection to such proceedings for the levy of such assessment may file a written protest not later than the hour set for the hearing as stated in said notice.

35469.6. At the hearing and prior to consideration of the correctness of the assessment and diagram, the legislative body shall hear and consider all protests to the proceedings for the levy of such assessment. If at the hearing it appears that prior to the hour set for the hearing the owners of taxable real property in the district having an assessed valuation of more than one-half of the assessed valuation of all taxable real property within the district and subject to assessment in the proceedings under this chapter have filed written objection to the proceedings, and at the conclusion of the hearing have not withdrawn their written protests objecting to the formation of the district, the legislative body shall find that a majority protest has been filed and shall abandon the proceedings.

The Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (commencing with Section 2800) shall not apply to proceedings under this chapter.

35469.7. If there is no such majority protest and if all protests to the proceedings are overruled, the legislative body may proceed with the hearing on the correctness of the assessment and diagram and may confirm the assessment.

35469.8. The legislative body may not confirm the assessment unless the owners of a majority in area of the lands in the district subject to assessment have filed with the clerk of the legislative body written consent to the levy of an assessment under this chapter. An owner of land means one who appears as the owner in fee on the records of the county recorder on the date the consent is filed and includes an executor, administrator, guardian, or trustee as to property of an estate or trust represented by him. An owner may file his written consent at any time either prior to the adoption of the resolution of intention or prior to the hearing or during the hearing and prior to the conclusion thereof. Prior to the conclusion of the hearing the legislative body shall determine whether or not a majority consent has been filed and such determination shall be conclusive.

35470. After the assessment roll is recorded, all persons are deemed to have notice of its contents.

35471. Immediately upon the recording, the several assessments contained in the assessment roll are due and payable, and each assessment is a lien upon the property against which it is made. Unless sooner discharged, the lien shall continue for four years from the date of recording, or if bonds are issued to represent the assessment, the lien shall continue until the expiration of four years after the due date of the last installment upon the bonds or the last principal coupon attached to them.

35472. The lien, whether bonds issued to represent the assessment or otherwise, shall be subordinate to all fixed special assessment liens previously imposed upon the same property, but it shall have priority over all fixed special assessment liens which may thereafter be created against the property. The lien of a reassessment and of a refunding assessment shall be the same as the original assessment to which it relates.

35473. Any deed issued in the foreclosure of the assessment lien or sale of property for the lien conveys the property to the purchaser free and clear of all encumbrances, except taxes, and such special assessment liens as are, at the date of creation of the lien, equal or superior to the assessment lien.

35474. Any action or proceeding to set aside, cancel, avoid, annul, or correct any assessment or reassessment, or to review any of the proceedings, acts, or determinations pursuant to this chapter, or to question the validity or enjoin the collection of any assessment or reassessment, or to enjoin the issuance of bonds to represent any assessment or reassessment, shall not be maintained by any person, unless such action or proceeding is commenced within 30 days after the recording of the diagram and assessment or reassessment. Thereafter all persons are barred from any such action or proceeding or any

defense of invalidity of the assessment or reassessment, or of bonds issued on the assessment or reassessment.

35475. Proceedings under this chapter shall not be attacked upon any ground not stated in an objection or protest filed pursuant to this chapter. Any landowner or person interested in any land within the district is estopped to attack the proceedings upon any ground not stated in an objection or protest filed by him pursuant to this chapter.

35476. The officer with whom the assessment is recorded shall give notice that the assessment has been recorded in his office and that all sums assessed in it became due and payable upon the recordation of the assessment, stating the date of recordation and that the payment of the sums, in whole or in part, is to be made to him within 30 days after the date of recordation.

35477. The notice shall also contain a statement that bonds to represent each assessment, or the unpaid balance thereof, remaining unpaid after 30 days will issue in the manner and form provided in this chapter, and shall state the period over which the bonds extend and the maximum rate of interest payable on them.

35478. The notice shall be published twice in a daily or weekly newspaper of general circulation printed and published in the city in which the assessed land lies.

35479. Notice shall also be given by mailing a post card to the owner of each lot, piece, or parcel of land assessed, according to the name and address appearing on the last equalized assessment roll prior to the recordation of the assessment or as known to the officer giving the notice.

35480. Failure of the officer with whom the assessment is recorded to give notice by mailing, or of the person addressed to receive the notice, shall not affect the validity of the proceedings or the validity of the lien of any assessment or of any bond issued on the assessment.

35481. When any payment is made upon an assessment, the street superintendent shall mark opposite the assessment "Paid in full" or "Paid in part," as the case may be, the date of payment, the amount of payment, and the name of the person by or for whom the assessment is paid. If so requested, he shall give receipt for the payment.

35482. After the expiration of 30 days from the date of recording the assessment, the superintendent of streets shall make a complete list of all assessments unpaid and the amounts unpaid, except assessments upon public property.

35483. All unpaid assessments upon public property shall be collected pursuant to this article, but if the property is not in use in the performance of a public function, the lien of the assessment may be foreclosed in the mode provided for foreclosure of assessments in Chapter 18 (commencing with Section 5410) of Part 3 of Division 7 (the Improvement Act of 1911).

Article 3. Bonds for Assessments

35500. Bonds shall be issued pursuant to this article.

35501. The list of unpaid assessments shall be certified and filed with the city treasurer. Upon the filing of the list, the city treasurer shall make out and sign a separate bond representing upon each lot or parcel of land on the list the total amount of the unpaid assessment against it as shown on the list.

35502. The legislative body shall sell the bonds for cash for not less than the amount of the assessments represented by the bonds.

35503. At any time after the assessment is recorded, the legislative body may call for sealed bids on the bonds proposed to be issued. Notice inviting bids shall be given by two publications in a newspaper published in the city, the first publication to be at least 10 days before the bids are to be opened.

35504. The legislative body shall sell the bonds for cash, and if bids are made, for cash to the best responsible bidder.

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.

35506. The bonds shall extend over a period not to exceed 24 years from January 2nd next succeeding the next September 1st following their date.

35507. Upon the award of the bonds to a purchaser, the treasurer shall issue bonds representing the liens of the unpaid assessments as shown on the list and bearing interest at the rate fixed by the legislative body.

35508. The treasurer shall deliver the bonds to the purchaser upon receiving the purchase price bid. The purchase price shall be deposited in the fund for the redemption of the bonds issued pursuant to Chapter 3 (commencing with Section 35400) of this part.

35509. Except as otherwise provided in this article, bonds to be issued pursuant to this article shall be issued pursuant to Part 5 (commencing with Section 6400) of Division 7 (the Improvement Act of 1911). Except as modified by this article, the provisions of that part are adopted for the issuance, collection, and enforcement of bonds issued pursuant to this article, and the provisions of that part apply to bonds issued pursuant to this article.

35510. The date of the bonds shall be the date selected and specified for that purpose by the legislative body in the resolution or order calling for sealed bids upon the bonds. The date shall be a date between the date of recordation of the assessment and the date of delivery of the bonds to the purchaser thereof The bonds shall bear interest from their date.

35511. Where an action or proceeding is brought to set aside, cancel, avoid, annul, or correct any assessment or reassessment, or to review any of the proceedings, acts or determinations pursuant to this chapter, or to question the validity or enjoin the collection of any assessment or reassessment or

to enjoin the issuance of bonds to represent any assessment or reassessment, said action or proceeding being brought after recordation of the assessment or reassessment but before the sale and award of the bonds, the legislative body may issue and sell the bonds unless prevented by order of court and may, in its discretion, order: (1) that the bonds be dated and bear interest as provided in Section 35510, or (2) that the bonds be dated and bear interest from such date as may be specified by the legislative body, or (3) that notice of the assessment or reassessment be refiled in the office of the county recorder, in which case the time of recording as used in this part and in Section 4289 shall be the time of refiling such notice instead of the time of filing the original notice with the county recorder.

35512. The bonds shall be substantially in the following form:

Parking District No. _____
(Number of district)
of the City of _____

Improvement Bond

$_____ No. __

Under and by virtue of the Parking District Law of 1951, I, out of the fund for the above designated Parking District No. __ of the City of _____ bonds, will pay to _____, or order, (or to bearer.) the sum of $_____, with interest at the rate of __ percent per annum, all as is hereinafter specified, and at the office of the Treasurer of the City of _____, State of California.

This bond is issued to provide funds necessary for the redemption of bonds for certain parking places in the City of _____ as the same are more fully described in assessment number __ issued by the street superintendent of said city and recorded in his office. Its amount is the amount assessed in said assessment against the lot or parcel of land numbered therein, and in the diagram attached thereto, as number _____, and which now remains unpaid, and constitutes a lien upon the property affected thereby, as the same is described herein, and in said recorded assessment with its diagram, to wit: The lot or parcel of land in said City of _____, County of _____, State of California, described as follows: _____

This bond is payable exclusively from said fund, and neither the city nor any officer thereof is to be holden for payment otherwise of its principal or interest. The term of this bond is _____ years from the second day of January next succeeding the next _____ following its date, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the second day of January of each year, following the next _____ after its date, an even annual proportion of its whole amount is due and payable, upon presentation of the coupon therefor, until the whole is paid, with all accrued interest at the rate of _____ per centum per annum.

The interest is payable semiannually, to wit: On the second days of January and of July in each year hereafter, upon presentation of the coupons therefor, hereto attached, the first of which is for the interest from date to the next second day of _____ and thereafter the interest coupons are for semiannual interest.

This bond may be redeemed by the owner or any person interested in any lot or parcel of land described herein, in the manner provided in said law, at any time before maturity, and before commencement of proceedings for sale, upon payment to the treasurer, for the holder of this bond, of the amount then unpaid on the principal thereof, with interest thereon calculated up to the due date of the next maturing interest coupon, and all penalties accrued and unpaid together with a premium of 3 percent of the unpaid principal.

Should default be made in the annual payment upon the principal, or in any payment of interest from the owner of said lot or parcel of land, or anyone in his behalf, the holder of this bond is entitled on or after the second day of January or July, as the case may be, following such default to declare the whole unpaid amount to be due and payable, and to have said lot or parcel of land advertised and sold forthwith, in the manner provided by law; provided, however, that any bond may be reinstated after such default in the manner provided in said law. In case of such default there shall be immediately added to such defaulted amount 1 percent of the amount thereof, and on the first day of each month following such default there shall be added a further penalty of 1 percent of such defaulted amount. The 1 percent penalty first imposed and all subsequent penalties shall be paid to the holder of the bond along with and as a part of such defaulted payment.

At said City of _____, this _____ day of _____, in the year one thousand, nine hundred and _____.

_____

Treasurer of the City of_____

Article 4. Disposition of Funds

35520. From time to time the street superintendent shall pay to the treasurer all money collected by him on account of any assessment levied pursuant to this chapter.

On receipt of the money the treasurer shall place it in the fund for the redemption of the bonds issued pursuant to Chapter 3 (commencing with Section 35400) of this part. All proceeds of any bonds issued pursuant to this chapter shall also be placed in such fund.

35521. Moneys in the fund clearly in excess of the amount necessary to redeem the outstanding bonds as hereinafter provided may be used to pay the costs and expenses referred to in Section 35464. The balance of the fund shall be a trust fund pledged to and held for the benefit of the holders of the outstanding bonds issued pursuant to Chapter 3 (commencing

with Section 35400) of this part, and until the bonds and the interest thereon have been fully paid the balance shall be used for no purpose other than the payment of the principal thereof, the interest thereon, and any premiums payable upon the call thereof. If the bonds, or any portion thereof, are to be called for redemption, the city shall immediately give notice of such redemption in the manner and form provided in the ordinance, resolution or indenture under which the bonds were issued, even though the notice may be premature as to time, but if the notice is premature the city shall later give the notice again within the proper time. As soon as the notice, even though premature, has been given and as soon as there are moneys in the fund clearly sufficient to pay the principal of all of the bonds, all interest to maturity or to the call date stated in the notice as the case may be, and all premiums to which bondholders will be entitled by reason of the call, the city is discharged from all obligations under this part or under the ordinance, resolution or indenture to make charges for the use of, or produce revenues from, parking places of the district or parking meters on streets, but the city shall continue to be bound by all other provisions of the ordinance, resolution or indenture.

35522. When a fund has been established under this chapter sufficient to redeem all outstanding bonds previously issued on behalf of the district pursuant to Chapter 3 (commencing with Section 35400) of this part, Section 35111 shall no longer apply to the district.

Article 5. Reassessment

35530. A reassessment shall be issued in any of the following events:

(a) When an assessment made, issued, or filed in the office of the clerk, or any bonds issued to represent the amounts of any such assessment, have been set aside by a court of competent jurisdiction, or when the court has refused to enforce an assessment or has decreed any such bonds not to constitute or represent valid and subsisting liens against the lots or parcels of land upon which the assessments represented by them have been levied.

(b) If for any reason the assessments or bonds, or both, are not effective and the curative and waiver provisions of this chapter or any curative act passed by the Legislature in relation to them fail to make them valid and enforceable.

(c) Upon the initiative of the legislative body if the legislative body is of the opinion that all or any part of the assessments or bonds are not enforceable.

35531. It is the intent of this article to make the cost of the redemption of bonds issued pursuant to Chapter 3 (commencing with Section 35400) of this part through an attempted compliance with this chapter payable by the real property benefited by the parking place for which such bonds

were issued by making a reassessment for that purpose. The power of reassessment embraces both a full and partial reassessment, and is not exhausted by a single attempted exercise of the power.

35532. Whenever the owner or holder of any bonds issued to represent or to be secured by assessments requests the legislative body to order a reassessment and the legislative body is of the opinion that such bonds are not enforceable, it shall order the making and issuing of a reassessment covering only the assessments represented by, or securing the bonds owned or held by, the petitioner.

35533. If, in any suit involving the validity of the obligation of any bond or assessment, a court of competent jurisdiction for any reason holds the lien of the assessment or bond to be unenforceable, the court in and by its decree shall direct the making of a reassessment to cover the assessments involved in the suit.

35534. If, in any suit to set aside the lien of any assessment or of any bond representing any assessment, or in any suit to quiet title against the lien of any such assessment or bond, or in any suit to enjoin the making, filing, confirmation, or issuance of any assessment or bond to pay for the cost and expenses of any acquisition and improvement pursuant to this part, a court of competent jurisdiction in its judgment decrees such assessments or bonds to be void or unenforceable or enjoins the making, filing, issuance, or confirmation of any such assessment or bond, the court in and by its decree shall direct the making of a reassessment to cover the assessments involved in the suit.

35535. If, in any suit contesting the validity and legal force and effect of a sale to foreclose the lien of any assessment or bond, a court of competent jurisdiction decrees the sale to be void or unenforceable for any reason, the court in and by its decree shall direct the making of a reassessment to cover the assessments involved in the suit.

35536. If a reassessment is directed, by a decree of court or by an order of the legislative body, the street superintendent shall proceed to make a reassessment.

35537. If the reassessment is a partial one only, it is not necessary for the diagram to show any lots other than those covered by the partial reassessment. If it is a full reassessment, the street superintendent shall prepare and file with the reassessment a diagram showing the lots or parcels of land deemed by him to be benefited by the parking place for which the bonds were issued.

35538. The reassessment shall assess upon and against each of the lots or parcels of land contained in it an amount determined as follows:

(a) The benefits derived by each of the lots or parcels of land from the parking place for which the bonds were issued estimated as of the date of the filing in the clerk's office of the original assessment shall first be listed.

(b) Interest shall be added to amounts determined pursuant to (a) from the date of recording of the original assessment at the rate of 7 percent a year.

35539. The total of the reassessment, exclusive of interest, shall not exceed the total amount necessary for the redemption of the bonds which are outstanding.

35540. The reassessment need not be in any prescribed form. It shall:

(a) Refer to the original assessment and set forth the date it was filed.

(b) State that it is made pursuant to the order of the legislative body or decree of court, as the case may be.

(c) Be accompanied by a diagram showing the lots or parcels of land to be reassessed and their relation to the parking place for which the bonds were issued.

35541. The reassessment shall be presented to the legislative body, which shall fix a time for hearing. The hearing shall be at least 20 days after the presentation of the reassessment.

35542. The clerk shall advertise the time of hearing by publishing a notice in the newspaper in the city in which the parking place for which the bonds were issued is located. The notice shall be published for five insertions, if the newspaper is a daily, or for two insertions if the newspaper is published less frequently. If the reassessment is to be against the property in a district, this fact shall be set forth and the reassessment diagram referred to for particulars.

35543. At the time fixed for the hearing, or at any time to which the hearing is adjourned, the legislative body shall consider the objections to the reassessment and may informally direct the revision, correction, and modification of the reassessment in such manner as is most equitable to apportion to each lot or parcel of land benefited the amount of the actual benefits derived from the parking place.

35544. When the reassessment is revised, corrected, or modified to comply with its judgment the legislative body shall pass a resolution confirming the reassessment.

35545. The clerk shall certify at the end of the reassessment that it is the reassessment approved by the legislative body.

35546. The street superintendent shall record the reassessment with the clerk's certificate.

35547. The street superintendent shall note opposite the several assessments in the original assessment that have been displaced by the reassessment the fact that the reassessment has been made, giving its date, and shall credit upon the reassessment all payments made upon the original assessment, or upon the bonds issued to represent the original assessment, and interest on the payments at the rate of 7 percent a year from the date of the payments.

35548. The reassessment shall be collected, paid, and enforced in the same manner as an original assessment, and shall have the same weight in evidence.

35549. If bonds were issued under or upon the security of the original assessment, they shall issue upon the reassessment for the sum reassessed against the lots or parcel of land covered by it.

35549.1. When the reassessment is recorded, the original assessment shall be canceled by the street superintendent so far as it affects the particular assessments involved. New bonds shall not be issued until the original bonds are delivered up to the treasurer who shall cancel them. The lien of the reassessment shall hold its relative rank as to other special assessment liens as of the date of filing of the original assessment.

CHAPTER 235

An act to add Section 16256 to the Education Code, relating to street and highway dedication.

[Approved by Governor June 24, 1969. Filed with Secretary of State June 24, 1969.]

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

SECTION 1. Section 16256 is added to the Education Code, to read:

16256. Whenever school districts are required to improve and dedicate real property to the centerline of streets or highways adjacent to a school site or forming an intersection at a school site location, and when such street or highway rights-of-way are being conveyed to the city or county or by the city or county to the school district, the requirements of this article shall be deemed satisfied solely by posting a notice of intention to convey in an appropriate location before conveyance.

CHAPTER 236

An act to amend Section 77 of and to add Section 77a to the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session), relating to recreational facilities.

[Approved by Governor June 24, 1969. Filed with Secretary of State June 24, 1969.]

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

SECTION 1. Sec. 77 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 77. The district may acquire, construct, reconstruct, alter, enlarge, lay, renew, replace, maintain and operate, street and highway lighting facilities; facilities for the collection, treatment and disposal of sewage, industrial wastes, storm

waters, garbage and refuse; the production, storage, treatment and distribution of water for public and private purposes; parks and playgrounds, including recreational facilities and buildings for the public generally, and works to provide for the drainage of roads, streets and public places, including, but not limited to curbs, gutters, sidewalks and grading and pavement; and the reclamation of submerged or other land by watering or dewatering.

SEC. 2. Sec. 77a is added to the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session), to read:

Sec. 77a. Except where expressly limited by the terms of the dedication, grant or deed, the construction of enclosed recreational buildings on land acquired by the district for park purposes is not inconsistent with such purposes if no more than fifty percent (50%) of the area of the parcel is so used.

SEC. 3. The proceeds of the sale of bonds heretofore approved by the voters of the district for park and playground purposes may be used for the construction of recreational buildings if the board of directors finds and determines, by resolution adopted by a four-fifths vote of all of its members, that at the time of the submission of the measure to the district voters the use of bond moneys for such purpose was contained in the engineer's report of the project referred to in the bond proposition and on file in the office of the district secretary.

CHAPTER 237

An act to amend Sections 70046.1, 74660, 74661, 74662, 74663, 74664, 74665, 74666, 74673, and 74674 of the Government Code, relating to municipal courts.

[Approved by Governor June 24, 1969. Filed with Secretary of State June 24, 1969.]

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

SECTION 1. Section 70046.1 of the Government Code is amended to read:

70046.1. In a county with a population of 600,000 or more and under 700,000, according to the 1960 federal census, the board of supervisors shall fix the salary of regular official reporters which shall be not less than a biweekly salary of five hundred twelve dollars and eighty cents ($512.80) and the compensation of official photographic reporters pro tempore shall be at the rate of forty-five dollars ($45) a day, or any fractional part thereof.

During the hours which the court is open for the transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

SEC. 1.5. Section 74660 of the Government Code is amended to read:

74660. This article applies only to municipal courts established in the following judicial districts in the County of Santa Clara:

(a) A district embracing the Cities of San Jose and Milpitas designated as the San Jose-Milpitas Judicial District;

(b) A district embracing the City of Santa Clara, designated as the Santa Clara Judicial District;

(c) A district embracing the Cities of Los Gatos, Campbell, and Saratoga designated as the Los Gatos-Campbell-Saratoga Judicial District;

(d) A district embracing the Cities of Sunnyvale and Cupertino designated as the Sunnyvale-Cupertino Judicial District; and

(e) A district embracing the Cities of Palo Alto and Mountain View designated as the Palo Alto-Mountain View Judicial District.

SEC. 2. Section 74661 of the Government Code is amended to read:

74661. Each of the municipal court districts established in the County of Santa Clara shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

San Jose-Milpitas Judicial District	10
Santa Clara Judicial District	2
Los Gatos-Campbell-Saratoga Judicial District	1
Sunnyvale-Cupertino Judicial District	2
Palo Alto-Mountain View Judicial District	4

SEC. 3. Section 74662 of the Government Code is amended to read:

74662. In the San Jose-Milpitas Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 50.5. The clerk may appoint:

(a) 1 chief deputy court clerk who shall receive a salary as specified in range 45.5.

(b) 3 deputy court clerks, grade IV, each of whom shall receive a salary as specified in range 39.

(c) 18 deputy court clerks, grade III, each of whom shall receive a salary as specified in range 38.

(d) 30 deputy court clerks, grade II, each of whom shall receive a salary as specified in range 33.

(e) 18 deputy court clerks, grade I, each of whom shall receive a salary as specified in range 30.

SEC. 4. Section 74663 of the Government Code is amended to read:

74663. In the Santa Clara Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 47.5. The clerk may appoint:

(a) 1 senior deputy court clerk who shall receive a salary as specified in range 43.5.

(b) 4 deputy court clerks, grade III, each of whom shall receive a salary as specified in range 38.

(c) 6 deputy court clerks, grade II, each of whom shall receive a salary as specified in range 33.

(d) 3 deputy court clerks, grade I, each of whom shall receive a salary as specified in range 30.

SEC. 5. Section 74664 of the Government Code is amended to read:

74664. In the Los Gatos-Campbell-Saratoga Judicial District there shall be one clerk who shall also act as secretary to the judge and who shall receive a salary as specified in range 47.5. The clerk may appoint:

(a) 1 senior deputy court clerk who shall receive a salary as specified in range 43.5.

(b) 2 deputy court clerks, grade III, who shall receive a salary as specified in range 38.

(c) 3 deputy court clerks, grade II, each of whom shall receive a salary as specified in range 33.

(d) 3 deputy court clerks, grade I, each of whom shall receive a salary as specified in range 30.

SEC. 6. Section 74665 of the Government Code is amended to read:

74665. In the Sunnyvale-Cupertino Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 47.5. The clerk may appoint:

(a) 1 senior deputy court clerk who shall receive a salary as specified in range 43.5.

(b) 3 deputy court clerks, grade III, each of whom shall receive a salary as specified in range 38.

(c) 6 deputy court clerks, grade II, each of whom shall receive a salary as specified in range 33.

(d) 3 deputy court clerks, grade I, each of whom shall receive a salary as specified in range 30.

SEC. 7. Section 74666 of the Government Code is amended to read:

74666. In the Palo Alto-Mountain View Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 48.5. The clerk may appoint:

(a) 1 senior deputy court clerk who shall receive a salary as specified in range 44.5.

(b) 7 deputy court clerks, grade III, each of whom shall receive a salary as specified in range 38.

(c) 10 deputy court clerks, grade II, each of whom shall receive a salary as specified in range 33.

(d) 8 deputy court clerks, grade I, each of whom shall receive a salary as specified in range 30.

SEC. 8. Section 74673 of the Government Code is amended to read:

74673. In each of the municipal court districts in the County of Santa Clara the fee required by Section 74672 shall be taxed as costs in favor of any party paying it and to whom costs are awarded by the judgment of the court. It is not subject to Section 6103.

The clerks of the municipal courts shall transmit to the county treasurer in accordance with Section 24353 all money paid to him pursuant to Section 74672. The money shall be deposited in the general fund of the county.

SEC. 9. Section 74674 of the Government Code is amended to read:

74674. In each of the municipal court districts in the County of Santa Clara official reporters, appointed pursuant to Section 72194 shall be attachés of such courts and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such courts, shall receive a biweekly salary of five hundred twelve dollars and eighty cents ($512.80), which shall be a charge against the general fund of the county. Should the board of supervisors increase salaries or adopt a pay plan for official reporters in the superior court pursuant to Section 70046.1, the salary increase or pay plan shall apply equally for all official reporters in municipal courts but all such changes or adjustments shall be effective only until 90 days after adjournment of the next following general session of the Legislature. During the hours which the courts are open for transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

CHAPTER 238

An act to amend Sections 3053, 3109, and 3151 of the Welfare and Institutions Code, relating to narcotics addiction.

[Approved by Governor June 24, 1969. Filed with Secretary of State June 24, 1969.]

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

SECTION 1. Section 3053 of the Welfare and Institutions Code is amended to read:

3053. If at any time following receipt at the facility of a person committed pursuant to this article, the Director of Corrections concludes that the person, because of excessive criminality or for other relevant reason, is not a fit subject for confinement or treatment in such narcotic detention, treatment and rehabilitation facility, he shall return the person to the court in which the case originated for such further proceedings on the criminal charges as that court may deem warranted

SEC. 2. Section 3109 of the Welfare and Institutions Code is amended to read:

3109. If at any time following receipt at the facility of a person committed pursuant to this article, the Director of Corrections concludes that such person is not, because of excessive criminality or for other relevant reason, a fit subject for confinement or treatment in a facility of the Department of Corrections, he may order such person discharged.

SEC. 3. Section 3151 of the Welfare and Institutions Code is amended to read:

3151. After an initial period of observation and treatment of six months, and subject to the rules and policies established by the Director of Corrections, whenever a person committed under Article 2 or Article 3 of this chapter has recovered from his addiction or imminent danger of addiction to such an extent that, in the opinion of the Director of Corrections, release in an outpatient status is warranted, the director shall certify such fact to the authority. If the director has not so certified within the preceding 12 months, in the anniversary month of the commitment of any person committed under this chapter his case shall automatically be referred to the authority for consideration of the advisability of release in outpatient status. Upon any such certification by the director or such automatic certification, the authority may release such person in an outpatient status subject to all rules and regulations adopted by the authority, and subject to all conditions imposed by the authority, whether of general applicability or restricted to the particular person released in outpatient status, and subject to being retaken and returned to inpatient status as prescribed in such rules, regulations, or conditions. The supervision of such persons while in an outpatient status shall be administered by the Department of Corrections. Such persons are not subject to the provisions of Penal Code Section 2600.

A single member of the authority may by written or oral order suspend the release in outpatient status of such a person and cause him to be retaken, until the next meeting of the authority. The written order of any member of the authority shall be a sufficient warrant for any peace officer to return such persons to physical custody.

It is hereby made the duty of all peace officers to execute any such order in like manner as ordinary criminal process.

CHAPTER 239

An act to amend Section 31532 of the Government Code, relating to the County Employees' Retirement Law of 1937.

[Approved by Governor June 24, 1969. Filed with Secretary of State June 24, 1969.]

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

SECTION 1. Section 31532 of the Government Code is amended to read:

31532. Sworn statements and individual records of members shall be confidential and shall not be disclosed to anyone except insofar as may be necessary for the administration of this chapter or upon order of a court of competent jurisdiction, or upon written authorization by the member.

CHAPTER 240

An act to amend Sections 11503, 11703, 11705, and 11802 of the Vehicle Code, relating to occupational licensing of vehicle dismantlers, dealers, transporters, manufacturers, and salesmen.

[Approved by Governor June 24, 1969. Filed with Secretary of State June 24, 1969.]

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

SECTION 1. Section 11503 of the Vehicle Code is amended to read:

11503. The department may refuse to issue a license and certificate to an applicant when it determines that:

(a) The applicant was previously the holder of a license and certificate issued under this code, which license and certificate were revoked for cause and never reissued by the department, or which license and certificate were suspended for cause and the terms of suspension have not been terminated.

(b) The applicant was previously a partner, stockholder, director, or officer controlling or managing a partnership or corporation whose license and certificate issued under the authority of this chapter were revoked for cause and never reissued or were suspended for cause and the terms of suspension have not been terminated.

(c) If the applicant is a partnership or corporation, that one or more of the partners, stockholders, directors or officers who will control or manage it was previously the holder or a partner, stockholder, director or officer controlling or managing a partnership or corporate license and certificate holder whose license and certificate issued under the authority of this chapter were revoked for cause and never reissued or were suspended for cause and the terms of suspension have not been terminated, or that by reason of the facts and circumstances touching the organization, control and management of the partnership or corporation, business will be directed, controlled, or managed by individuals who, by reason of their conviction of violations of this code, would be ineligible for a license and that by licensing such corporation or partnership the purposes of this code would likely be defeated.

(d) The applicant, or one of the partners, if the applicant be a partnership, or one or more of the officers or directors of the corporation, if a corporation be the applicant, or one or more of the stockholders if the policy of such business will be

directed, controlled, or managed by such stockholder or stockholders, has ever been convicted of a felony or a crime involving moral turpitude. A conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section.

(e) The information contained in an application is incorrect.

(f) The applicant, or one of the partners, if the applicant be a partnership, or one or more of the officers, directors or stockholders of the corporation, if a corporation be the applicant, based on the information contained in the application or by subsequent investigation, is not of good moral character.

(g) The decision of the department to suspend or revoke a license under the provisions of subdivision (b) of Section 11518 or subdivision (c) of Section 11721 has been entered, and the applicant was the licensee, a copartner, or an officer, director, or stockholder of such suspended or revoked licensee.

SEC. 2. Section 11703 of the Vehicle Code is amended to read:

11703. The department may refuse to issue a license and certificate to a manufacturer, transporter, or dealer, when it determines that:

(a) The applicant was previously the holder of a license and certificate issued under this chapter, which license and certificate were revoked for cause and never reissued by the department, or which license and certificate were suspended for cause and the terms of suspension have not been fulfilled.

(b) The applicant was previously a partner, stockholder, director, or officer controlling or managing a partnership or corporation whose license and certificate issued under the authority of this chapter were revoked for cause and never reissued or were suspended for cause and the terms of suspension have not been terminated.

(c) If the applicant is a partnership or corporation, that one or more of the partners, stockholders, directors or officers who will control or manage it was previously the holder or a partner, stockholder, director or officer controlling or managing a partnership or corporate license holder whose license and certificate issued under the authority of this chapter were revoked for cause and never reissued or were suspended for cause and the terms of suspension have not been terminated, or that by reason of the facts and circumstances touching the organization, control, and management of the partnership or corporation business the policy of such business will be directed, controlled, or managed by individuals who, by reason of their conviction of violations of the provisions of this code, would be ineligible for a license and that by licensing such corporation or partnership the purposes of this code would likely be defeated.

(d) The applicant, or one of the partners, if the applicant be a partnership, or one or more of the officers or directors of the corporation, if a corporation be the applicant, or one or

more of the stockholders if the policy of such business will be directed, controlled, or managed by such stockholder or stockholders, has ever been convicted of a felony or a crime involving moral turpitude. A conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section.

(e) The information contained in the application is incorrect.

(f) The decision of the department to suspend or revoke a license under the provisions of Section 11721(c) has been entered, and this applicant was the licensee, a copartner, or an officer, director or stockholder of such suspended or revoked licensee.

SEC. 3. 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 Chapter 2b (commencing with Section 2981) of Title 14 of Part 4 of Division 3 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, manu-

facturer, 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. 4. 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.

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 Chapter 2b (commencing with Section 2981) of Title 14 of Part 4 of Division 3 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 observed in the exercise of the privilege granted either upon application for issuance of a license or upon application for renewal of a license. The conditions to be attached to the exercise of the privilege shall not appear on the face of the license but shall be such as may, in the judgment of the department, be in the public interest and suitable to the qualifications of the applicant as disclosed by the application and investigation by the department of the information contained therein.

CHAPTER 241

An act to add Section 37203.1 to the Water Code, relating to California water districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 24, 1969. Filed with Secretary of State June 24, 1969.]

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

SECTION 1. Section 37203.1 is added to the Water Code, to read:

37203.1. Notwithstanding the provisions of Sections 54902 and 54903 of the Government Code and Section 37203, the Yolo-Zamora Water District may effectively proceed under this part for assessment and taxation purposes if a certified copy of the resolution of the board adopted pursuant to Section 37203 electing to proceed under this part, shall be filed with the Auditor, Assessor, Tax Collector and Treasurer of Yolo County and the State Board of Equalization on or before April 15, 1969, and a map or plat indicating the boundaries of the district shall be filed with the Yolo County Assessor and the State Board of Equalization on or before April 15, 1969.

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

Failure to obtain authority to proceed under Part 7.5 (commencing with Section 37200) of Division 13 of the Water Code

would make it impossible for the county assessor and tax collector, as well as the State Board of Equalization, to place the names on the tax rolls in time to collect the 1969–1970 taxes for the Yolo-Zamora Water District, and any other procedures for collecting taxes by the district would be outside the time limit required by the Water Code.

CHAPTER 242

An act to amend Sections 2620 and 2621 of the Penal Code, relating to prisoners.

[Approved by Governor June 24, 1969. Filed with Secretary of State June 24, 1969.]

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

SECTION 1. Section 2620 of the Penal Code is amended to read:

2620. When it is necessary to have a person imprisoned in the state prison brought before any court to be tried for an offense triable in the superior court, or for an examination before a grand jury or magistrate preliminary to such trial, or for the purpose of hearing a motion or other proceeding, to vacate a judgment, an order for his temporary removal from said prison, and for his production before such court, grand jury or magistrate, must be made by the superior court of the county in which said action, motion, or examination is pending or by a judge thereof; such order shall be made only upon the affidavit of the district attorney or defense attorney, stating the purpose for which said person is to be brought before the court, grand jury or magistrate or upon the court's own motion. The order shall be executed by the sheriff of the county in which it shall be made, whose duty it shall be to bring the prisoner before the proper court, grand jury or magistrate, to safely keep him, and when his presence is no longer required to return him to the prison from whence he was taken; the expense of executing such order shall be a proper charge against and shall be paid by, the county in which the order shall be made.

Such order shall recite the purposes for which said person is to be brought before the court, grand jury or magistrate, and shall be signed by the judge making the order and sealed with the seal of the court. The order must be to the following effect:

County of _____ (as the case may be).

The people of the State of California to the warden of _____:

An order having been made this day by me, that A.B. be produced in the _____ court (or before the grand jury, as

the case may be) to be prosecuted or examined for the crime of _____, an offense triable in the superior court (or to have said motion heard), you are commanded to deliver him into the custody of _____ for the purpose of (recite purposes).

Dated this _____ day of _____, 19___.

When a prisoner is removed from a state prison under this section he shall remain in the constructive custody of the warden thereof. During the prisoner's absence from the prison, he may be ordered to appear in other felony proceedings as a defendant or witness in the courts of the county from which the original order directing removal issued. A copy of the written order directing the prisoner to appear before any such court shall be forwarded by the district attorney to the warden of the prison having protective custody of the prisoner.

SEC. 2. Section 2621 of the Penal Code is amended to read:

2621. When the testimony of a material witness is required in a criminal action, before any court in this state, or in an examination before a grand jury or magistrate for an offense triable in the superior court and such witness is a prisoner in a state prison, an order for his temporary removal from such prison, and for his production before such court, grand jury or magistrate, may be made by the superior court of the county in which such action or examination is pending or by a judge thereof; but in case the prison is out of the county in which the application is made, such order shall be made only upon the affidavit of the district attorney or of the defendant or his counsel, showing that the testimony is material and necessary; and even then the granting of the order shall be in the discretion of said superior court or a judge thereof. The order shall be executed by the sheriff of the county in which it is made, whose duty it shall be to bring the prisoner before the proper court, grand jury or magistrate, to safely keep him, and when he is no longer required as a witness, to return him to the prison whence he was taken; the expense of executing such order shall be a proper charge against, and shall be paid by, the county in which the order shall be made. Such orders shall recite the purposes for which said person is to be brought before the court, grand jury or magistrate, and shall be signed by the magistrate or judge making the order, and sealed with the seal of the court, if any.

Such order must be to the following effect:

County of _____ (as the case may be).

The people of the State of California to the warden of _____:

An order having been made this day by me, that A.B. be produced in this court as witness in the case of _____, you are commanded to deliver him into the custody of _____ for the purpose of (recite purposes).

Dated this ___ day of _____, 19___.

When a prisoner is removed from a state prison under this section he shall remain in the constructive custody of the warden hereof. During the prisoner's absence from the prison, he may be ordered to appear in other felony proceedings as a defendant or witness in the courts of the county from which the original order directing removal issued. A copy of the written order directing the prisoner to appear before any such court shall be forwarded by the district attorney to the warden of the prison having protective custody of the prisoner.

CHAPTER 243

An act to add Section 7⅞ to the Knights Landing Ridge Drainage District Act (Chapter 99 of the Statutes of 1913), relating to the Knights Landing Ridge Drainage District.

[Approved by Governor June 24, 1969. Filed with Secretary of State June 24, 1969.]

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

SECTION 1. Section 7⅞ is added to the Knights Landing Ridge Drainage District Act (Chapter 99 of the Statutes of 1913), to read:

Sec. 7⅞. In lieu of levying an assessment for maintenance and repair of the works of the district and incidental expenses of the district, the board of drainage commissioners may in any year elect to utilize the tax rolls of Colusa and Yolo Counties, in the manner prescribed for reclamation districts as set forth in Article 4 (commencing with Section 51360) of Chapter 2, Part 7, Division 15 of the Water Code and all amendments thereto.

CHAPTER 244

An act to amend Section 760 of the Insurance Code, relating to unlawful rebates

[Approved by Governor June 24, 1969. Filed with Secretary of State June 24, 1969.]

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

SECTION 1. Section 760 of the Insurance Code is amended to read:

760. As used in this section "personal or controlled insurance" means insurance covering an insurance agent, broker, or solicitor, or

(a) His spouse, his employer or his employer's spouse.

(b) Any person related to him or the persons mentioned in subdivision (a) within the second degree by blood or marriage.

(c) If his employer is a corporation, any person directly or

indirectly owning or controlling a majority of the voting stock or controlling interest in such corporation.

(d) If his employer is a partnership or association, any person owning any interest in such partnership or association.

(e) If the agent or broker is a corporation, any person directly or indirectly owning or controlling a majority of the voting stock or controlling interest in the agent or broker and any corporation which is also similarly directly or indirectly controlled by the person who directly or indirectly controls the agent or broker.

(f) If the agent or broker is a corporation, any corporation making consolidated returns for United States income tax purposes with any corporation described in subdivision (e).

If premiums on personal or controlled insurance transacted by an insurance agent, broker, or solicitor payable in one year exceed the premiums on other insurance transacted by such licensee payable in the same year, the receipt of commissions upon the excess is an unlawful rebate.

Provided that during and after the sixth calendar year following the initial licensing of such agent, broker, or solicitor, in any manner as an agent, broker or solicitor, whether continuously licensed or not, if premiums on personal or controlled insurance transacted by him payable in any one such calendar year exceed 33⅓ percent of the other premiums transacted by him payable in the same calendar year, the receipt of commissions upon the excess over such 33⅓ percent is an unlawful rebate. For the purposes of this paragraph, if the agent or broker be an organization the sixth calendar year shall be the first calendar year beginning five years or more after the initial licensing of the organization, or any predecessor thereof, as an agent or broker.

Provided further, that this section does not apply to an individual licensee who: (1) is licensed during all of such calendar year as a solicitor, or individually as an agent or broker; (2) during such calendar year conducts an individual business, not being named to transact on any organization license nor owning any interest in any corporation or partnership transacting an insurance agency or brokerage business; (3) has been continuously licensed in some manner as an active agent, broker or solicitor for at least 25 years; and (4) is at least 65 years of age at the beginning of the calendar year.

Whenever an officer or director of a corporation acts as agent, broker, or solicitor in the transaction of insurance covering the corporation, he shall be conclusively presumed to have received the full commission on such contract while an employee of the corporation. Whenever the remuneration for services of an employee is decreased by the employer or is made unreasonably small in amount but the employee is permitted, as an insurance agent, broker, or solicitor, to transact personal or controlled insurance, it shall be conclusively presumed that such employee receives the full amount of commission on such personal or controlled insurance.

"Year" as used in this section means the calendar year. Suspension, revocation or denial of license for violation of this section may be ordered at any time within five years after the close of the year in which the violation occurred.

CHAPTER 245

An act to amend Section 1468 of the Civil Code, relating to covenants.

[Approved by Governor June 24, 1969 Filed with Secretary of State June 24, 1969]

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

SECTION 1. Section 1468 of the Civil Code is amended to read:

1468. Each covenant, made by an owner of land with the owner of other land or made by a grantor of land with the grantee of land conveyed, or made by the grantee of land conveyed with the grantor thereof, to do or refrain from doing some act on his own land, which doing or refraining is expressed to be for the benefit of the land of the covenantee, runs with both the land owned by or granted to the covenantor and the land owned by or granted to the covenantee and shall, except as provided by Section 1466, or as specifically provided in the instrument creating such covenant, and notwithstanding the provisions of Section 1465, benefit or be binding upon each successive owner, during his ownership, of any portion of such land affected thereby and upon each person having any interest therein derived through any owner thereof where all of the following requirements are met:

(a) The land of the covenantor which is to be affected by such covenants, and the land of covenantee to be benefited, are particularly described in the instrument containing such covenants;

(b) Such successive owners of the land are in such instrument expressed to be bound thereby for the benefit of the land owned by, granted by, or granted to the covenantee;

(c) Each such act relates to the use, repair, maintenance or improvement of, or payment of taxes and assessments on, such land or some part thereof;

(d) The instrument containing such covenants is recorded in the office of the recorder of each county in which such land or some part thereof is situated.

Where several persons are subject to the burden of any such covenant, it shall be apportioned among them pursuant to Section 1467, except that where only a portion of such land is so affected thereby, such apportionment shall be only among the several owners of such portion. This section shall apply to the mortgagee, trustee or beneficiary of a mortgage or deed of trust upon such land or any part thereof while but only while he, in such capacity, is in possession thereof.

CHAPTER 246

An act to amend Section 21453 of the Vehicle Code, relating to vehicle stops.

[Approved by Governor June 24, 1969. Filed with Secretary of State June 24, 1969.]

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

SECTION 1. Section 21453 of the Vehicle Code is amended to read:

21453. Red alone or "stop" on an official traffic control signal means:

(a) Vehicular traffic facing the signal shall stop at a limit line wherever located. If there is no limit line, vehicular traffic facing the signal shall stop before entering a crosswalk on the near side of the intersection or, if none, then before entering an intersection. Vehicular traffic shall remain standing until green or "go" is shown alone, except as provided in the next succeeding paragraphs.

(b) The driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection in obedience to a red or "stop" signal, may make a right turn but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at said intersection, except that local authorities may by ordinance prohibit any such right turn against a red or "stop" signal at any intersection, which ordinance shall be effective when a sign is erected at such intersection giving notice thereof.

(c) The driver of a vehicle on a one-way street which intersects another one-way street on which traffic moves to the left shall stop in obedience to a red or "stop" signal but may then make a left turn into said one-way street, but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at said intersection, except that local authorities may by ordinance prohibit any such left turn as above described, which ordinance shall be effective when a sign is erected at such intersection giving notice thereof.

(d) No pedestrian shall enter the roadway or cross any part of the roadway or proceed from or to a safety zone against a red or "stop" signal.

CHAPTER 247

An act to amend Section 820 of the Streets and Highways Code, relating to federal aid to highways.

[Approved by Governor June 24, 1969. Filed with Secretary of State June 24, 1969.]

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

SECTION 1. Section 820 of the Streets and Highways Code is amended to read:

820. The State of California assents to the provisions of Title 23, United States Code, as it has been amended and supplemented. All work done under the provisions of Title 23 or other acts of Congress relative to federal aid, or other cooperative highway work, or to emergency construction of public highways with funds apportioned by the government of the United States, shall be performed as required under acts of Congress and the rules and regulations promulgated thereunder. Laws, rules, or regulations of this state inconsistent with such laws, or rules and regulations of the United States, shall not apply to such work, to the extent of such inconsistency.

The department shall submit an annual report to the Legislature, no later than January 30th of each year, describing any major conflicts between the laws, rules, or regulations of this state and federal law, rules, and regulations which have been resolved under this section during the previous calendar year.

SEC. 2. This act is a reenactment of Section 820 of the Streets and Highways Code for the purpose of stating the assent of the State of California to the provisions of the applicable federal statutes, rules and regulations.

CHAPTER 248

An act to add Chapter 7.6 (commencing with Section 313) to Title 9 of Part 1 of the Penal Code, relating to distribution of harmful matter to minors.

[Approved by Governor June 25, 1969. Filed with Secretary of State June 25, 1969.]

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

SECTION 1. Chapter 7.6 (commencing with Section 313) is added to Title 9 of Part 1 of the Penal Code, to read:

CHAPTER 7.6. HARMFUL MATTER

313. As used in this chapter:

(a) "Harmful matter" means matter, taken as a whole, the predominant appeal of which to the average person, applying contemporary standards, is to prurient interest, i.e., a shameful or morbid interest in nudity, sex, or excretion; and is matter which taken as a whole goes substantially beyond customary limits of candor in description or representation of such matters; and is matter which taken as a whole is utterly without redeeming social importance for minors.

(1) When it appears from the nature of the matter or the circumstances of its dissemination, distribution or exhibition

that it is designed for clearly defined deviant sexual groups, the predominant appeal of the matter shall be judged with reference to its intended recipient group.

(2) In prosecutions under this chapter, where circumstances of production, presentation, sale, dissemination, distribution, or publicity indicate that matter is being commercially exploited by the defendant for the sake of its prurient appeal, such evidence is probative with respect to the nature of the matter and can justify the conclusion that the matter is utterly without redeeming social importance for minors.

(b) "Matter" means any book, magazine, newspaper, or other printed or written material or any picture, drawing, photograph, motion picture, or other pictorial representation or any statue or other figure, or any recording, transcription, or mechanical, chemical, or electrical reproduction or any other articles, equipment, machines, or materials.

(c) "Person" means any individual, partnership, firm, association, corporation, or other legal entity.

(d) "Distribute" means to transfer possession of, whether with or without consideration.

(e) "Knowingly" means being aware of the character of the matter.

(f) "Exhibit" means to show.

(g) "Minor" means any natural person under 18 years of age.

313.1. Every person who, with knowledge that a person is a minor, or who fails to exercise reasonable care in ascertaining the true age of a minor, knowingly distributes to or sends or causes to be sent to, or exhibits to, or offers to distribute or exhibit any harmful matter to a minor, is guilty of a misdemeanor.

313.2. Nothing in this chapter shall prohibit any parent from distributing to his child any harmful matter.

313.3. It shall be a defense in any prosecution for a violation of this chapter that the act charged was committed in aid of legitimate scientific or educational purposes

313.4. Every person who violates Section 313.1 is punishable by fine of not more than two thousand dollars ($2,000) or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment. If such person has been previously convicted of a violation of Section 313.1 or any section of Chapter 7.5 (commencing with Section 311) of Title 9 of Part 1 of this code, he is punishable by imprisonment in the state prison for not exceeding five years

313.5. If any phrase, clause, sentence, section or provision of this chapter or application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other phrase, clause, sentence, section, provision or application of this chapter, which can be given effect without the invalid phrase, clause, sentence, section, provision or application and to this end the provisions of this chapter are declared to be severable.

CHAPTER 249

An act to amend Sections 311, 311.2, 311.5, and 311.9 of, to add Section 312.5 to, and to repeal Section 311.3 of, the Penal Code, relating to obscene matter.

[Approved by Governor June 25, 1969. Filed with Secretary of State June 25, 1969.]

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

SECTION 1. Section 311 of the Penal Code is amended to read:

311. As used in this chapter:

(a) "Obscene matter" means matter, taken as a whole, the predominant appeal of which to the average person, applying contemporary standards, is to prurient interest, i.e., a shameful or morbid interest in nudity, sex, or excretion; and is matter which taken as a whole goes substantially beyond customary limits of candor in description or representation of such matters; and is matter which taken as a whole is utterly without redeeming social importance.

(1) The predominant appeal to prurient interest of the matter is judged with reference to average adults unless it appears from the nature of the matter or the circumstances of its dissemination, distribution or exhibition, that it is designed for clearly defined deviant sexual groups, in which case the predominant appeal of the matter shall be judged with reference to its intended recipient group.

(2) In prosecutions under this chapter, where circumstances of production, presentation, sale, dissemination, distribution, or publicity indicate that matter is being commercially exploited by the defendant for the sake of its prurient appeal, such evidence is probative with respect to the nature of the matter and can justify the conclusion that the matter is utterly without redeeming social importance.

(b) "Matter" means any book, magazine, newspaper or other printed or written material or any picture, drawing, photograph, motion picture, or other pictorial representation or any statue or other figure, or any recording, transcription or mechanical, chemical or electrical reproduction or any other articles, equipment, machines or materials.

(c) "Person" means any individual, partnership, firm, association, corporation or other legal entity.

(d) "Distribute" means to transfer possession of, whether with or without consideration

(e) "Knowingly" means being aware of the character of the matter.

(f) "Exhibit" means to show.

SEC. 2. Section 311.2 of the Penal Code is amended to read:

311.2. (a) Every person who knowingly sends or causes to be sent, or brings or causes to be brought, into this state for sale or distribution, or in this state possesses, prepares,

publishes, or prints, with intent to distribute or to exhibit to others, or who offers to distribute, distributes, or exhibits to others, any obscene matter is guilty of a misdemeanor.

(b) The provisions of this section with respect to the exhibition of, or the possession with intent to exhibit, any obscene matter shall not apply to a motion picture operator or projectionist who is employed by a person licensed by any city or county and who is acting within the scope of his employment, provided that such operator or projectionist has no financial interest in the place wherein he is so employed.

SEC. 3. Section 311.3 of the Penal Code is repealed.

SEC. 4. Section 311.5 of the Penal Code is amended to read:

311.5. Every person who writes, creates, or solicits the publication or distribution of advertising or other promotional material, or who in any manner promotes, the sale, distribution, or exhibition of matter represented or held out by him to be obscene, is guilty of a misdemeanor.

SEC. 5. Section 311.9 of the Penal Code is amended to read:

311.9. (a) Every person who violates Section 311.2 or 311.5 is punishable by fine of not more than one thousand dollars ($1,000) plus five dollars ($5) for each additional unit of material coming within the provisions of this chapter, which is involved in the offense, not to exceed ten thousand dollars ($10,000), or by imprisonment in the county jail for not more than six months plus one day for each additional unit of material coming within the provisions of this chapter, and which is involved in the offense, such basic maximum and additional days not to exceed 360 days in the county jail, or by both such fine and imprisonment. If such person has previously been convicted of any offense in this chapter, or of a violation of Section 313.1, a violation of Section 311.2 or 311.5 is punishable as a felony.

(b) Every person who violates Section 311.4 is punishable by fine of not more than two thousand dollars ($2,000) or by imprisonment in the county jail for not more than one year, or by both such fine and such imprisonment. If such person has been previously convicted of a violation of former Section 311.3 or Section 311.4, he is punishable by imprisonment in the state prison not exceeding five years.

(c) Every person who violates Section 311.7 is punishable by fine of not more than one thousand dollars ($1,000) or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. For a second and subsequent offense he shall be punished by a fine of not more than two thousand dollars ($2,000), or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment. If such person has been twice convicted of a violation of this chapter, a violation of Section 311.7 is punishable as a felony.

SEC. 6. Section 312.5 is added to the Penal Code, to read:

312.5. If any phrase, clause, sentence, section or provision of this chapter or application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other phrase, clause, sentence, section, provision or application of this chapter, which can be given effect without the invalid phrase, clause, sentence, section, provision or application and to this end the provisions of this chapter are declared to be severable.

CHAPTER 250

***An act to add Section 21702.1 to the Education Code, relating** to the assessed value of district property, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor June 25, 1969. Filed with Secretary of State June 25, 1969.]

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

SECTION 1. Section 21702.1 is added to the Education Code, to read:

21702.1 Notwithstanding any other provision of law, for the purpose of computing the limit on the amount of bonds which may be issued by a district pursuant to the provisions of this chapter, the taxable property of the district shall be determined upon the basis that the district's assessed value has not been reduced by the exemption of the assessed value of business inventories in the district or reduced by the homeowner's property tax exemption.

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 an urgent need to provide additional bonded capacity to improve and construct school facilities and, therefore, this act must be in effect immediately.

CHAPTER 251

An act to amend Sections 5103 and 5243 of the Streets and Highway Code, relating to the Improvement Act of 1911.

[Approved by Governor June 25, 1969. Filed with Secretary of State June 25, 1969.]

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

SECTION 1. Section 5103 of the Streets and Highways Code is amended to read:

5103. Whenever the work or improvement includes the installation of works or appliances for supplying electric or

telephone service or mains and appurtenances for supplying or distributing a domestic or industrial gas supply, and the territory in which the work or improvement is contemplated is within the service area of a public utility or public agency supplying such service, the legislative body may, before the adoption of the resolution of intention, enter into an agreement with such public utility or public agency which agreement may, among other things, provide for the following:

(a) For the supplying or approval by the public utility or public agency of plans and specifications for the work or improvement.

(b) For the performance of work or service, for an allowance or contribution by the public utility or public agency toward the cost of the work or service where provided for by its established rules or regulations, and for the payment for such work or service.

(c) That the agreement shall become effective upon the effective date of the resolution or ordinance ordering the work in proceedings taken pursuant to this division.

(d) That after the confirmation of the assessment, the public utility or public agency shall have exclusive possession, control, and use of the work or improvement as long as the public utility or public agency uses the work or improvement to render to the lands within the assessment district the services intended to be furnished by the work or improvement.

SEC. 2. Section 5243 of the Streets and Highways Code is amended to read:

5243. The proposals or bids shall be delivered to the clerk, or any other officer designated by the legislative body, and the legislative body shall, in open session publicly open, examine and declare the same. If the legislative body by resolution so provides the proposals or bids may be opened, examined and declared by an officer designated in the resolution. Any such resolution shall require that the proposals or bids be opened at a public meeting called by the officer designated who shall report the results of the bidding to the legislative body at the next regular meeting after the opening of the bids In the event of such resolution the notice inviting bids shall state the time and place of said public meeting and the officer so designated No proposal or bid shall be considered unless accompanied by the check or bond satisfactory to the legislative body.

CHAPTER 252

An act to repeal Section 7610 of the Labor Code, relating to industrial safety.

[Approved by Governor June 25, 1969. Filed with Secretary of State June 25, 1969.]

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

SECTION 1. Section 7610 of the Labor Code is repealed.

CHAPTER 253

An act to amend Section 2123.3 of the Business and Professions Code, relating to district review committees.

[Approved by Governor June 25, 1969. Filed with Secretary of State June 25, 1969.]

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

SECTION 1. Section 2123.3 of the Business and Professions Code is amended to read:

2123.3. Each member of each committee, except the initial members, shall be appointed by the Governor for a term of four years.

The Governor shall appoint three of the members of each committee from among not less than three persons nominated for each member to be appointed to such committee which are submitted to him by professional medical societies within the district which represent the profession at large. He shall appoint one member of each committee from the faculty of a clinical department of an approved medical school of the state. Such faculty members need not reside in the district and shall be appointed from among not less than three nominations submitted to the Governor by the deans of the approved medical schools of the state. The remaining member of each committee shall be appointed by the Governor, from among not less than three nominations which are submitted to him by the board. Each member shall hold office until the appointment and qualification of his successor, or until six months have elapsed since the expiration of the term for which he was appointed, whichever first occurs.

The initial members of each committee shall classify themselves by lot, so that one of them shall serve a term which expires on September 1, 1967, two of them shall serve terms which expire on September 1, 1968, and two of them shall serve terms which expire on September 1, 1969.

CHAPTER 254

An act to amend Section 2984.2 of the Civil Code, relating to automobile sales financing.

[Approved by Governor June 25, 1969. Filed with Secretary of State June 25, 1969.]

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

SECTION 1. Section 2984.2 of the Civil Code is amended to read:

2984.2. No agreement in connection with a conditional sale of a motor vehicle for the inclusion of title to or a lien upon any personal or real property, other than the motor vehicle

which is the subject matter of the conditional sale, or accessories therefor or special and auxiliary equipment used in connection therewith, or in substitution, in whole or in part, for any therefor, as security for payment of the contract balance, shall be enforceable. No agreement between a buyer and seller in connection with a sale of a motor vehicle which provides for the inclusion of title to or a lien upon any personal or real property, other than the motor vehicle which is the subject matter of the sale, or accessories therefor or special and auxiliary equipment used in connection therewith, as security for payment of the contract balance, shall be enforceable. This section shall not apply to any agreement which meets the requirements of Section 2982.5 and otherwise complies with this chapter.

SEC. 2. The Legislature hereby finds and declares that the amendments made by this act do not constitute a change in, but are only declaratory of, the existing law.

CHAPTER 255

An act to amend Section 2982 of the Civil Code, relating to automobile sales financing.

[Approved by Governor June 25, 1969. Filed with Secretary of State June 25, 1969.]

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

SECTION 1. Section 2982 of the Civil Code is amended to read:

2982. (a) Every conditional sale contract for the sale of a motor vehicle, with or without accessories, shall be in writing and, if printed, shall be printed in type no smaller than six point, and shall contain in a single document all of the agreements of the buyer and seller with respect to the total cost and the terms of payment for the motor vehicle, including any promissory notes or any other evidences of indebtedness. The conditional sale contract or a purchase order shall be signed by the buyer or his authorized representative and by the seller or its authorized representative, and an exact copy thereof shall be furnished the buyer by the seller at the time the buyer and the seller have signed the contract or purchase order. No motor vehicle shall be delivered under this chapter until the seller delivers to the buyer a fully executed copy of the conditional sale contract or purchase order. The seller shall not obtain the signature of the buyer to a contract when it contains blank spaces to be filled in after it has been signed. Every conditional sale contract shall contain, although not necessarily in the sequence or order set forth below, the following separate items:

1. The cash price of the motor vehicle described in the conditional sale contract.

2. The amount of the buyer's downpayment, and whether made in cash or represented by the net agreed value of described property traded in, or both, together with a statement of the respective amounts credited for cash and for such property.

3. The amount unpaid on the cash price, which is the difference between Items 1 and 2.

4. The cost to the buyer of any insurance, the premium for which is included in the contract balance. Any such cost for credit life or disability insurance may be included in the finance charge if the amount thereof is separately stated on the face of the contract.

5. The amount of the unpaid balance, which is the sum of Items 3 and 4.

6. The amount of the finance charge.

7. The contract balance owed by the buyer to the seller, which is the sum of Items 5 and 6.

8. The number of installments required to pay the contract balance, the amount of each installment, and the date for payment of the installments.

9. The names and addresses of all persons to whom the notice required under Section 2983.2 and permitted under Sections 2983 5 and 2984 of this code is to be sent.

10. A notice, in at least eight-point bold type if the contract is printed, reading as follows: "Notice to the buyer: (1) Do not sign this agreement before you read it or if it contains any blank spaces to be filled in. (2) You are entitled to a completely filled-in copy of this agreement. (3) Under the law, you have the right to pay off in advance the full amount due and under certain conditions to obtain a partial refund of the finance charge. (4) If you default in the performance of your obligations under this agreement, the vehicle may be repossessed and you may be subject to suit and liability for the unpaid indebtedness evidenced by this agreement."

(b) If any charge for insurance (other than for credit life or disability) is included in the contract balance and disbursement of any part thereof be made more than one year after the date of the conditional sale contract, any finance charge on the amount to be disbursed after one year shall be computed from the month the disbursement is to be made to the due date of the last installment under the conditional sale contract.

(c) The amount of the finance charge in any conditional sale contract for the sale of a motor vehicle, with or without accessories, shall not exceed 1 percent of the unpaid balance multiplied by the number of months (computed on the basis of a full month for any fractional month period in excess of 15 days) elapsing between the date of the contract and the due date of the last installment, or twenty-five dollars ($25), whichever is greater. The contract may provide for a delinquency charge or charges on any installment in default for a period of not less than 10 days in an amount not to exceed in

the aggregate 5 percent of the installment, which amount may be collected only once on any installment regardless of the period during which it remains in default. The contract may provide for reasonable collection costs and fees in the event of delinquency.

(d) Any provision in any conditional sale contract for the sale of a motor vehicle to the contrary notwithstanding, the buyer shall have the privilege of paying at any time in full the indebtedness evidenced by the contract. Whenever an indebtedness is liquidated prior to maturity by prepayment or refinancing, or upon surrender or repossession and resale of the motor vehicle, the holder shall thereupon refund to the buyer the unearned portion of the finance charge. The refund may be made in cash or credited to the amount due on the obligation of the buyer. The amount of the refund shall represent at least as great a proportion of the finance charge, after first deducting therefrom twenty-five dollars ($25), as the sum of the periodic time balances payable more than 15 days after the date of prepayment (or other event entitling the buyer to the refund) bears to the sum of all of the periodic time balances under the schedule of installments in the contract. The provisions of this subdivision shall not impair the right of the seller or his assignee to receive delinquency charges on delinquent installments and reasonable costs and fees as provided in subdivision (c) of this section. Where the amount of such refund is less than one dollar ($1), no refund need be made.

CHAPTER 256

An act to amend Section 14621.5 of the Elections Code, and to amend Section 31900 of the Education Code, relating to absent voting.

[Approved by Governor June 25, 1969. Filed with Secretary of State June 25, 1969.]

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

SECTION 1. Section 14621.5 of the Elections Code is amended to read:

14621.5. Any printed application to be distributed to those electors requesting absent voter ballots shall contain spaces for the following information: name and date of election for which request is to be made; date application must be received by clerk; first day ballots will be available; printed name of voter; the address that is shown on the affidavit of registration of the voter; reason for requesting absentee ballot; where ballot is to be mailed; date of application; and signature of applicant. The application shall also contain a space for the voter who is residing at an address other than the address shown on the voter's affidavit of registration and the date he moved to the other address.

The application shall also have printed thereon, the following statement: "If you have moved prior to _____
(Closing date
_____you must reregister before you can obtain an
for registration)
absentee ballot. (A voter moving within this county within 54 days or to another county within 90 days prior to this election, may obtain an absentee ballot. A voter moving within this county over 54 days or to another county over 90 days and who has not registered prior to the registration closing date for this election is not eligible to vote.)"

SEC. 2. Section 31900 of the Education Code is amended to read:

31900. The officer charged with the duty of providing sample ballots for any election at which absent voter ballots may be cast shall cause to be printed on the envelope containing the sample ballot in heavy-faced gothic type, not smaller than 10 point, the following:

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 _____ (county clerk or equivalent official).

Your application may be submitted not more than _____ days before the day of election but must reach the office of the _____ (county clerk or equivalent official) not less than _____ days before the day of election.

CHAPTER 257

An act to add Sections 13, 14, 15, 16, and 17 to the Brannan-Andrus Levee Maintenance District Act (Chapter 910 of the Statutes of 1967), relating to the Brannan-Andrus Levee Maintenance District.

[Approved by Governor June 25, 1969. Filed with Secretary of State June 25, 1969.]

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

SECTION 1. Section 13 is added to the Brannan-Andrus Levee Maintenance District Act (Chapter 910 of the Statutes of 1967), to read:

Sec. 13. At any time subsequent to an election by the board to utilize the alternate method for levying operation and maintenance assessments pursuant to Article 4 (commencing with Section 51360) of Chapter 2, Part 7, Division 15 of the Water Code, the board may by resolution authorize

the issuance of time warrants payable at future dates with interest not to exceed 7 percent per annum and provide for their payment in the manner set forth in Section 16 of this act, and until all such warrants are paid in full shall continue to utilize such alternate method of assessment. The authority to issue time warrants pursuant to Sections 13 through 16, inclusive, of this act shall be in addition to the authority for issuance of such time warrants provided in Article 3 (commencing with Section 53040) of Chapter 1, Part 9, Division 15 of the Water Code.

SEC. 2. Section 14 is added to the Brannan-Andrus Levee Maintenance District Act (Chapter 910 of the Statutes of 1967), to read:

Sec. 14. No time warrants may be issued by the district in amounts in excess of twenty-five dollars ($25) per acre nor may they be made payable over a period exceeding 10 years from the date of issue unless the issuance of such time warrants is authorized by an election held for that purpose, which election shall approve the amount of such issue and the maturity date of such time warrants. So long as time warrants in excess of twenty-five dollars ($25) per acre remain outstanding, no further time warrants may be issued without a further election approving such issuance.

SEC. 3. Section 15 is added to the Brannan-Andrus Levee Maintenance District Act (Chapter 910 of the Statutes of 1967), to read:

Sec. 15. Time warrants issued in excess of the limitation in amount and term prescribed in Section 14 shall be authorized by a majority of the voters voting at an election called by the board for the purpose of determining whether or not the warrants shall be issued. Notice of the election shall be given and the election shall be held and the result determined as nearly as practicable in the manner provided for bond elections in reclamation districts under Part 8 (commencing with Section 52100) of Division 15 of the Water Code.

SEC. 4. Section 16 is added to the Brannan-Andrus Levee Maintenance District Act (Chapter 910 of the Statutes of 1967), to read:

Sec. 16. Time warrants issued under Sections 13 through 16, inclusive, of this act shall constitute a general obligation of the district for the payment of both principal and interest of which all land in the district subject to assessment by the district may be assessed It shall be the duty of the board to include in its annual estimate filed with the board of supervisors all sums necessary to pay the principal of, and interest on, all warrants issued under Sections 13 through 16, inclusive, coming due during the next year, and any sums that the board shall direct to be set aside in a special fund for the future payment of principal of, and interest on, any outstanding warrants so issued which will come due in any year following the next year. It shall be the duty of the board of supervisors, at the time and in the manner provided in Article

4 (commencing with Section 51360) of Chapter 2, Part 7, Division 15 of the Water Code to fix an ad valorem rate of assessment sufficient to pay the principal of, and interest on, all warrants issued under Sections 13 through 16, inclusive, of this act as the same become due, and the sums required for the special fund established by the board. Such ad valorem assessment shall be in addition to all other district assessments and, when collected, shall be used for no purpose other than the payment of said warrants and the interest thereon.

SEC. 5 Section 17 is added to the Brannan-Andrus Levee Maintenance District Act (Chapter 910 of the Statutes of 1967), to read:

Sec. 17. Except as prescribed in Sections 13 through 16, inclusive, all warrants of the district shall be issued and paid in the manner prescribed for warrants of a reclamation district in Part 9 (commencing with Section 53000) of Division 15 of the Water Code.

CHAPTER 258

An act to amend Sections 13 and 14 of the Santa Barbara County Flood Control and Water Conservation District Act (Chapter 1057 of the Statutes of 1955), relating to the Santa Barbara County Flood Control and Water Conservation District, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 25, 1969. Filed with Secretary of State June 25, 1969.]

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

SECTION 1. Section 13 of the Santa Barbara County Flood Control and Water Conservation District Act (Chapter 1057 of the Statutes of 1955) is amended to read:

Sec. 13. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone or zones, the board may by resolution determine and declare the respective amounts of bonds necessary to be issued in each zone in order to raise the amount of money necessary for each work or improvement and the denomination and the maximum rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the office of the Recorder of Santa Barbara County within five days after its issuance. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the board may call a special bond election in said zone or participating zones at which shall be submitted to the qualified electors of said zone or participating zones the question whether or not bonds shall be issued

in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied as provided in this act.

The total amount of bonds issued to pay the cost of any work or improvement in any zone or zones shall not exceed five percent (5%) of the taxable property of the zones as shown by the last equalized assessment of the county.

(3) Said board shall call such special bond election by ordinance and not otherwise and submit to the qualified electors of said zone or participating zones, the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by said board, and on file for particulars; and said ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed seven percent (7%) per annum. For the purposes of said election, said board shall in said ordinance establish special bond election precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in said district to a number not exceeding six general precincts for each such special bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such special bond election precincts.

In all particulars not recited in said ordinance, such special bond election shall be held as nearly as practicable in conformity with the general election laws of the state.

Said board shall cause a map or maps to be prepared covering a general description of the work to be done, which said map shall show the location of the proposed works and improvements and shall cause the said map to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

Said ordinance calling for such special bond election shall, prior to the date set for such election, be published pursuant to Section 6062 of the Government Code in a newspaper of general circulation circulated in each zone and participating zone affected The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in

five public places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. Where a project affects a single zone only, if at such election two-thirds (⅔) of the votes cast in said zone on the proposition of incurring a bonded indebtedness are in favor thereof, then bonds for such zone for the amount stated in such proceedings shall be issued and sold as in this act provided. Where the incurring of bonded indebtedness by participating zones is to be determined at such election, no bonds for any of such participating zones shall be issued or sold unless two-thirds (⅔) of the votes cast on the proposition in each such participating zone are in favor of incurring the bonded indebtedness to be undertaken by such zone

SEC. 2. Section 14 of the Santa Barbara County Flood Control and Water Conservation District Act (Chapter 1057 of the Statutes of 1955) is amended to read:

Sec. 14. The board shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, which must include a designation of the zone or participating zones affected, and of the interest coupons attached thereto. Said bonds shall be payable annually or semiannually at the discretion of the board each and every year on a day and date, and at a place to be fixed by said board, and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

The board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series. The maturity of each series shall comply with this section. The board may fix a date, not more than two years from the date of issuance, for the earliest maturity of each issue or series of bonds. Beginning with the date of the earliest maturity of each issue or series, not less than one-fortieth of the indebtedness of such issue or series shall be paid every year. The final maturity date shall not exceed 40 years from the time of incurring the indebtedness evidenced by each issue or series.

The bonds shall be issued in such denomination as the board may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100), nor of a greater denomination than one thousand dollars ($1,000), and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of seven per centum (7%) per annum, and shall be made payable annually or semiannually, and said bonds shall be numbered consecutively and

shall be signed by the chairman of the board, and countersigned by the auditor of said district, and the seal of said district shall be affixed thereto by the clerk of the board. Either or both such signatures may be printed, engraved or lithographed. The interest coupons of said bonds shall be numbered consecutively and signed by the said auditor by his printed, engraved or lithographed signature. In case any such officers whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officers before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officers had remained in office until the delivery of the bonds.

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

Recent storms have caused extensive flood damage in Santa Barbara County, and there is an urgent need for additional flood control works and improvements. This act would permit an increase in the maximum interest rate of bonds of the Santa Barbara County Flood Control and Water Conservation District to help finance these badly needed works and improvements. In order to provide such financing at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 259

An act to amend Section 2261 of the Civil Code, relating to trustees.

[Approved by Governor June 26, 1969. Filed with Secretary of State June 26, 1969.]

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

SECTION 1. Section 2261 of the Civil Code is amended to read:

2261. (1) In investing, reinvesting, purchasing, acquiring, exchanging, selling and managing property for the benefit of another, a trustee shall exercise the judgment and care, under the circumstances then prevailing, which men of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation, but in regard to the permanent disposition of their funds, considering the probable income, as well as the probable safety of their capital. Within the limitations of the foregoing standard, and subject to any express provisions or limitations contained in any particular trust instrument, a trustee is authorized to acquire every kind of property, real, personal or mixed, and every kind of investment, specifically including, but not by way of limitation,

corporate obligations of every kind, and stocks, preferred or common, which men of prudence, discretion and intelligence acquire for their own account.

(2) In the absence of express provisions to the contrary in the trust instrument, a trustee may continue to hold property received into a trust at its inception or subsequently added to it or acquired pursuant to proper authority if and as long as the trustee, in the exercise of good faith and of reasonable prudence, discretion and intelligence, may consider that retention is in the best interests of the trust. Such property may include stock in the trustee, if a corporation, and stock in any corporation controlling, controlled by, or under common control with such trustee.

(3) In the absence of express provisions to the contrary in the trust instrument, a deposit of trust funds at interest in any bank (including the trustee, if a bank) shall be a qualified investment to the extent that such deposit is insured under any present or future law of the United States, or to such greater extent as a court of competent jurisdiction may authorize. Nothing in this section shall be construed as limiting the right of trustees in proper cases to make deposits of trust moneys in banks, subject, in the case of interest-bearing deposits, to such notice or other conditions respecting withdrawal as may be prescribed by law or governmental regulation affecting such deposits.

(4) Nothing in this section shall abrogate or restrict the power of the appropriate court in proper cases to direct or permit the trustee to deviate from the terms of the trust regarding the making or retention of investments.

(5) The provisions of this section shall apply to all trusts now existing or hereafter created. Where, in trusts now existing or hereafter created, the term "investments permissible by law for investment of trust funds." or "authorized by law for investment of trust funds," "legal investments," or "authorized investments." or other words of similar import are used in defining the powers of the trustee relative to investments, such language, in the absence of other controlling or modifying provisions of the trust instrument, shall be construed as authorizing any investment permitted by the terms of subdivision (1) of this section.

(6) The term "property" as used in this section includes life insurance, endowment, and annuity contracts issued by legal reserve companies authorized to do business in this state.

CHAPTER 260

An act to amend Section 506 of the Welfare and Institutions Code, relating to minors.

[Approved by Governor June 27, 1969. Filed with Secretary of State June 27, 1969.]

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

SECTION 1. Section 506 of the Welfare and Institutions Code is amended to read:

506. No person taken into custody solely upon the ground that he is a person described in Section 600 or adjudged to be such and made a dependent child of the juvenile court pursuant to this chapter solely upon that ground shall, in any detention under this chapter, be brought into direct contact or personal association with any person taken into custody on the ground that he is a person described by Section 601 or Section 602, or who has been made a ward of the juvenile court on either such ground.

Separate, segregated facilities for such persons alleged to be within the description of Section 600, or persons adjudged to be such and made dependent children of the court pursuant to this chapter solely upon that ground shall be provided by the board of supervisors. Such separate, segregated facilities may be provided in the juvenile hall or elsewhere.

No record of the detention of such a person shall be made or kept by any law enforcement agency or the Bureau of Criminal Identification and Investigation as a record of arrest.

CHAPTER 261

An act to amend Sections 16117 and 16118 of the Welfare and Institutions Code, relating to adoption of children.

[Approved by Governor June 27, 1969. Filed with Secretary of State June 27, 1969.]

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

SECTION 1. Section 16117 of the Welfare and Institutions Code is amended to read:

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 or mental, or emotional or medical 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.

SEC. 2. Section 16118 of the Welfare and Institutions Code is amended to read:

16118. The department shall administer and establish a two-year pilot program to be carried out by any licensed adoption agency.

The pilot program shall be carried out to determine (a) the extent to which a public information campaign on adop-

tions 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.

CHAPTER 262

An act to amend Section 11225 of the Penal Code, relating to nuisances.

[Approved by Governor June 27, 1969 Filed with Secretary of State June 27, 1969]

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

SECTION 1. Section 11225 of the Penal Code is amended to read:

11225. Every building or place used for the purpose of illegal gambling as defined by state law or local ordinance, lewdness, assignation, or prostitution, and every building or place in or upon which acts of illegal gambling as defined by state law or local ordinance, lewdness, assignation, or prostitution, are held or occur, is a nuisance which shall be enjoined, abated and prevented, whether it is a public or private nuisance.

Nothing in this section shall be construed to apply the definition of a nuisance to a private residence where illegal gambling is conducted on an intermittent basis and without the purpose of producing profit for the owner or occupier of the premises.

CHAPTER 263

An act to amend Section 5605 of, and to add Section 17551.1 to, the Education Code, relating to school districts.

[Approved by Governor June 27, 1969 Filed with Secretary of State June 27, 1969.]

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 the total of the following amounts: (1) the percentage of miscellaneous funds (as defined by Section 17606) specified in Section 17603.5, and 25 percent of funds under the provisions of Public Law 874, 81st Congress, or under any similar provisions of any other act of Congress, utilized for the elementary school district for the fiscal year; and (2) in the case of an elementary school district not eligible for an increase in foundation program pursuant to either Section 17671 or Section 17676. the total of the amount required by Section 17924 to be raised by the district for the fiscal year by application of an excess in general fund tax rate to be eligible for apportionments of supplemental support, provided that such required amount was actually raised by the district. 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, 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. 2. *Section 17551.1 is added to the* Education Code, to read:

17551.1. Any school district lying within an area declared by the Governor of the State of California to be a disaster area at any time during the school year 1968–1969 which district maintains at least 33 regular day schools, and of which schools not more than two failed to be maintained for 175 days during the 1968–1969 school year shall not be denied receipt of any apportionment from the State School Fund for failure to maintain its regular day schools at least 175 days during such school year regardless of any provision to the contrary in this code.

CHAPTER 264

An act to amend Section 43.7 of the Civil Code, relating to podiatrists.

[Approved by Governor June 27, 1969. Filed with Secretary of State June 27, 1969.]

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

SECTION 1. Section 43.7 of the Civil Code is amended to read:

43.7. There shall be no monetary liability on the part of, and no cause of action for damages shall arise against, any member of a duly appointed committee of a state or local professional society, or duly appointed member of a committee of a medical staff of a licensed hospital (provided the medical staff operates pursuant to written bylaws that have been approved by the governing board of the hospital), for any act or proceeding undertaken or performed within the scope of the functions of any such committee which is formed to maintain the professional standards of the society established by its bylaws, if such committee member acts without malice, has made a reasonable effort to obtain the facts of the matter as to which he acts, and acts in reasonable belief that the action taken by him is warranted by the facts known to him after such reasonable effort to obtain facts. "Professional society" includes legal, medical, psychological, dental, accounting, optometric, podiatric, pharmaceutic, and engineering organizations having as members at least a majority of the eligible licentiates in the area served by the particular society. The provisions of this section do not affect the official immunity of an officer or employee of a public corporation.

This section shall not be construed to confer immunity from liability on any professional society or hospital. In any case in which, but for the enactment of the preceding provisions of this section, a cause of action would arise against a

hospital or professional society, such cause of action shall exist as if the preceding provisions of this section had not been enacted.

CHAPTER 265

An act to add Section 1584.5 to the Civil Code, relating to transfer of property.

[Approved by Governor June 27, 1969. Filed with Secretary of State June 27, 1969.]

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

SECTION 1. Section 1584.5 is added to the Civil Code, to read:

1584.5. No person, firm, partnership, association or corporation, or agent or employee thereof, shall, in any manner, or by any means, offer for sale goods, wares or merchandise where the offer includes the voluntary and unsolicited sending of such goods, wares or merchandise not actually ordered or requested by the recipient, either orally or in writing. The receipt of any such goods, wares or merchandise shall for all purposes be deemed an unconditional gift to the recipient who may use or dispose of such goods, wares or merchandise in any manner he sees fit without any obligation on his part to the sender.

If after any such receipt deemed to be an unconditional gift under this section, the sender continues to send bill statements or requests for payment with respect thereto, an action may be brought by the recipient to enjoin such conduct, in which action there may also be judgment for exemplary damages and costs incurred by the recipient.

CHAPTER 266

An act to amend Section 209 of the Health and Safety Code, relating to reports.

[Approved by Governor June 27, 1969. Filed with Secretary of State June 27, 1969.]

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

SECTION 1. Section 209 of the Health and Safety Code is amended to read:

209. It shall make a report to the Legislature each odd-numbered year with such suggestions as to legislative action as it deems proper.

CHAPTER 267

An act to add Section 543 to the Health and Safety Code, relating to sanitarians.

[Approved by Governor June 27, 1969. Filed with Secretary of State June 27, 1969.]

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

SECTION 1. Section 543 is added to the Health and Safety Code, to read:

543. A nonreturnable fee of fifteen dollars ($15) shall be paid by a person each time he applies to take the examination authorized by subdivision (b) of Section 542. Such fees shall be deposited in the State Treasury to the credit of the General Fund.

CHAPTER 268

An act to amend Sections 7153 and 7154 of the Health and Safety Code, relating to remains of a deceased person.

[Approved by Governor June 27, 1969. Filed with Secretary of State June 27, 1969.]

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

SECTION 1. Section 7153 of the Health and Safety Code is amended to read:

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 or made by his telegraphic, recorded telephonic, or other recorded message.

SEC. 2. Section 7154 of the Health and Safety Code is amended to read:

7154. If the gift is made to a named donee, the will or other document, or telegraphic, recorded telephonic or other recorded message, 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.

CHAPTER 269

An act to amend Section 460 of the Health and Safety Code, relating to X-ray photographs.

[Approved by Governor June 27, 1969. Filed with Secretary of State June 27, 1969.]

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

SECTION 1. Section 460 of the Health and Safety Code is amended to read:

460. The board of supervisors may authorize the destruction or the disposition to a public or private medical library of any X-ray photographs and case records which are more than five years old and which were taken by the county health officer in the performance of his duties with regard to tuberculosis if any of the following conditions are complied with:

(a) The county health officer has determined that the X-ray photographs or a series of X-ray photographs in conjunction with case records do not show the existence of tuberculosis in the infectious stage.

(b) The individual of whom the X-ray photographs were taken has been deceased not less than two years or the 102nd anniversary of the individual's birthdate has occurred and the county health officer cannot reasonably ascertain whether the individual is still living.

(c) The place of residence of the individual of whom the X-ray photographs were taken has been unknown to the county health officer for 10 years.

CHAPTER 270

An act to amend Section 5093 of the Penal Code, relating to correctional institutions.

[Approved by Governor June 27, 1969. Filed with Secretary of State June 27, 1969.]

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

SECTION 1. Section 5093 of the Penal Code is amended to read:

5093. No enterprise subject to the jurisdiction of the Correctional Industries Commission as defined in Section 5090, except the manufacture of motor vehicle license plates or similar devices for the State Department of Motor Vehicles and the production of cloth for the use of the state or any political subdivision thereof as provided in Sections 2701 and 2703, shall in any event be conducted beyond the maximum gross annual production provided for in Section 5091. It is further provided that gross annual production by the textile mill shall not exceed one million five hundred thousand dollars ($1,500,000) value. Cotton yarn or synthetic yarn or fiber may be purchased for the mill, from sources without, as well as sources within, this state as needed to meet the requirements of public agencies.

CHAPTER 271

An act to add Chapter 7.7 (commencing with Section 25880) to Division 20 of the Health and Safety Code, relating to paint.

[Approved by Governor June 27, 1969. Filed with Secretary of State June 27, 1969.]

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

SECTION 1. Chapter 7.7 (commencing with Section 25880) is added to Division 20 of the Health and Safety Code, to read:

CHAPTER 7.7. LEAD-BASED PAINT

25880. No paint that has a lead content of 1 percent or more of the total nonvolatile matter in the container shall be sold, exchanged, offered for sale, exposed for sale, held in possession for sale, bartered, or traded at retail in this state unless there is affixed to the container a warning label.

25881. The warning label shall be substantially similar to the following:

CAUTION !
CONTAINS LEAD. HARMFUL IF SWALLOWED

Do not apply on window sills, toys, furniture or interior surfaces of rooms which may be used by children. Avoid prolonged contact with skin and breathing of vapor or spray mist.
Close container after each use.
Use with adequate ventilation.

KEEP OUT OF REACH OF CHILDREN

CHAPTER 272

An act to amend Section 2283 of the Civil Code, and amend Section 1240 of, to add Sections 1123.5, 1123.6, and 1123.7 to, the Probate Code, relating to testamentary trusts.

[Approved by Governor June 27, 1969. Filed with Secretary of State June 27, 1969.]

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

SECTION 1. Section 2283 of the Civil Code is amended to read:

2283. The superior court may remove any trustee who has violated or is unfit to execute the trust, or may accept the resignation of a trustee. This section shall not, however, apply to a trustee of a trust created by a will admitted to probate in any court of this state.

SEC. 2. Section 1123.5 is added to the Probate Code, to read

1123.5. The court in which the administration is pending or, after final distribution, the court sitting in probate which has jurisdiction over a testamentary trust shall have power to remove a trustee of a testamentary trust, whether or not any property has been distributed to him, who has violated or is unfit to execute the trust or has acquired any interest or become charged with any duty adverse to the interest of any beneficiary in the subject of the trust. The proceeding may be initiated by the court upon its own motion or by verified petition of a beneficiary of, or any other person interested in, the trust, including any person in being who shall or may participate in the corpus or income of the trust. The clerk shall set the matter for hearing and post notice in the manner prescribed by Section 1200. The trustee whose removal is sought shall be personally served with a copy of the motion or petition and with notice of the time and place of the hearing thereon, at least 10 days before the hearing, provided, that if such trustee is not a resident of this state, or has absconded or concealed himself from the state, the court may fix the manner of giving notice to him by mail, publication or otherwise, as the court may determine, and the court may proceed upon such notice as if the trustee had been personally served. In addition, the petitioner, or the court when acting upon its own motion, shall cause a copy of the petition or motion and of the notice of hearing to be mailed to the personal representative, if any part of the estate remains to be distributed to the trustee, and to each cotrustee and to the beneficiaries, including therein all persons in being who shall or may participate in the corpus or income of the trust, at their last known or other addresses, as provided in Section 1200, whether any of the persons to whom notice is to be given have requested special notice or given notice of appearance, or to be personally served upon such persons.

SEC. 3. Section 1123.6 is added to the Probate Code, to read:

1123.6. The court, whenever it appears from the verified petition of a beneficiary of the trust or other person interested in the trust, or from facts coming to its attention, that the assets of the trust or the interests of a beneficiary may suffer loss or injury during the time required for hearing and decision by the trial court under Section 1123.5 and appellate review, if any, may compel the trustee whose removal is sought to surrender any assets of the trust in his possession or subject to his control to a custodian designated by the court or to a cotrustee and may suspend the powers of the trustee to such extent as the court deems necessary.

SEC. 4. Section 1123.7 is added to the Probate Code, to read:

1123.7. The jurisdiction and procedure provided by Sections 1123.5 and 1123 6 shall be exclusive.

SEC. 5. Section 1240 of the Probate Code is amended to read:

1240. An appeal may be taken from an order granting or revoking letters testamentary or of administration; removing or refusing to remove a trustee of a testamentary trust; admitting a will to probate or revoking the probate thereof; setting aside an estate claimed not to exceed two thousand five hundred dollars ($2,500) in value; setting apart property as a homestead or claimed to be exempt from execution; confirming a report of an appraiser or appraisers in setting apart a homestead; granting or modifying a family allowance; directing or authorizing the sale or conveyance or confirming the sale of property; settling an account of an executor or administrator or trustee, or instructing or appointing a trustee; instructing or directing an executor or administrator; directing or allowing the payment of a debt, claim, legacy or attorney's fee; fixing, directing or allowing payment of a trustee's compensation; determining heirship or the persons to whom distribution should be made or trust property should pass; distributing property; refusing to make any order heretofore mentioned in this section; fixing an inheritance tax or determining that none is due; or authorizing a personal representative to invest or reinvest any surplus moneys pursuant to Section 584 5.

SEC. 6. Sections 1123.5, 1123 6, and 1123.7 of the Probate Code and the amendment of Section 2283 of the Civil Code enacted at the 1969 Regular Session of the Legislature shall be applied prospectively and shall not deprive the superior court of jurisdiction over any action or proceeding in equity or probate acquired before the effective date of such enactments.

CHAPTER 273

An act to amend Section 5870 of the Streets and Highways Code, relating to sidewalks and curbs.

[Approved by Governor June 27, 1969. Filed with Secretary of State June 27, 1969.]

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

SECTION 1. Section 5870 of the Streets and Highways Code is amended to read:

5870. As used in this chapter:

(a) "Block" means property facing one side of any street between the next intersecting streets or between the terminus of a dedicated right-of-way of a street and an intersecting street. "Street" does not include an alley or other right-of-way unless it is of the same width as a regular residential minimum-width street approved as part of a master plan of circulation or streets by the governmental agency involved. In the case of an alley, "block" means property facing both sides of any alley between the next intersecting streets or alleys, or between the terminus of an alley and an intersecting street.

Where a "block" exceeds 1,000 feet in length, a length of frontage of 1,000 feet constitutes a "block" as used in this chapter, if so designated by the superintendent of streets. A determination by the superintendent of streets of such a 1,000-foot block establishes a "block" and cannot later be changed to include a portion of said 1,000-foot "block" in another "block."

(b) "Driveway" means a paved portion of a public street providing an unobstructed passage from the roadway to an offstreet area used for driving, servicing, parking, or otherwise accommodating motor vehicles.

CHAPTER 274

An act to amend Section 16175 of the Education Code, relating to the exchange of real property, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 27, 1969. Filed with Secretary of State June 27, 1969.]

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

SECTION 1. Section 16175 of the Education Code is amended to read:

16175. The governing board of a school district may exchange any of its real property for real property of another person Any exchange shall be upon such terms and conditions as the parties thereto may agree and may be entered into

without complying with any provisions in this code except as provided in this article.

This article shall apply only when the average daily attendance of a school district or of two or more school districts governed by governing boards of identical personnel is 400,000 or more as shown by the annual report of the county superintendent of schools for the preceding year; except that if the total acreage involved in the exchange is three acres or less, this article shall apply to any school district; and except that if any junior college district became effective for all purposes on or after July 1, 1968, this article shall apply to any exchange by such district if the total acreage involved in said exchange is 10 acres or less, and if said exchange is completed on or before July 1, 1970.

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

The urgent need for additional school facilities in newly formed junior college districts requires that special measures be taken immediately to permit efficient acquisition of school property by means of the exchange of unusable school property, under appropriate safeguards. It is therefore necessary that this act take immediate effect.

CHAPTER 275

An act to amend Section 783 of the Civil Code, relating to condominiums.

[Approved by Governor June 27, 1969. Filed with Secretary of State June 27, 1969.]

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

SECTION 1. Section 783 of the Civil Code is amended to read:

783. A condominium is an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on such real property, such as an apartment, office or store. A condominium may include in addition a separate interest in other portions of such real property.

Such estate may, with respect to the duration of its enjoyment, be either (1) an estate of inheritance or perpetual estate, (2) an estate for life, or (3) an estate for years, such as a leasehold or a subleasehold.

CHAPTER 276

An act to add Article 4 (commencing with Section 5895.50) to Chapter 27, Part 3, Division 7 of the Streets and Highways Code, relating to sidewalk and curb construction.

[Approved by Governor June 27, 1969. Filed with Secretary of State June 27, 1969.]

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

SECTION 1. Article 4 (commencing with Section 5895.50) is added to Chapter 27, Part 3, Division 7 of the Streets and Highways Code, to read:

Article 4. Construction Outside of Jurisdiction

5895.50. Whenever the property, which fronts on an area where improvements are required to be constructed pursuant to the provisions of this chapter, lies entirely or partially within a city or unincorporated territory of a county and the improvement area or portions thereof lie within one or more other cities or unincorporated territory of one or more other counties, the superintendent of streets of any city or county having jurisdiction over all or a portion of the area to be improved shall have full authority to serve notices, to construct, and to do all work contemplated by Article 2 (commencing with Section 5875) and Article 3 (commencing with Section 5890) of this chapter, notwithstanding the fact that the property fronting on the improvement area lies entirely or partially within another city or unincorporated territory of another county.

5895.51. Whenever a block, on which improvements are required to be constructed pursuant to the provisions of this chapter, lies within a city or unincorporated territory of a county and within one or more other cities or unincorporated territory of one or more other counties, the superintendent of streets of any city or county having jurisdiction over a part of the block shall have full authority to serve notices, to construct, and to do all work contemplated by Article 2 (commencing with Section 5875) and Article 3 (commencing with Section 5890) of this chapter in that portion of the block lying in the territory of another jurisdiction after the superintendent obtains consent from the legislative body of that jurisdiction.

The consent of the legislative body shall be given by resolution adopted by a majority vote of the body's membership. Thereafter, except as provided in Section 5895.54, the city or county whose superintendent of streets obtained the consent shall have jurisdiction over such areas for the purpose of sidewalk or curb construction.

5895.52. The city or county proceeding under the provisions of this article may pay for such work out of the road fund or any other fund available for such purposes.

5895.53. The legislative body of the city or county which undertakes the construction of improvements pursuant to the provisions of this article shall have the authority to levy an assessment to pay the cost of any such construction of improvements, notwithstanding the fact that the improvements or the property fronting on the improvements lies outside the territory of the city or county. The assessment shall be a lien on the property for the amount thereof until the assessment and all interest thereon is paid or until it is discharged of record.

The provisions of Sections 5893, 5894, and 5895 shall be applicable to the collection and enforcement of all liens levied pursuant to the provisions of this section. The assessments so collected shall be paid to the treasurer of the city or county under whose authority the improvements were constructed.

5895.54. Nothing contained in this article shall limit in any manner the police power of any city or county with reference to any sidewalk or curb constructed under the provisions of this article.

CHAPTER 277

An act to amend Section 997 of the Code of Civil Procedure, relating to compromise settlements.

[Approved by Governor June 27, 1969. Filed with Secretary of State June 27, 1969.]

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

SECTION 1. Section 997 of the Code of Civil Procedure is amended to read:

997. The defendant may, at any time before the trial or judgment, serve upon the plaintiff an offer to allow judgment to be taken against him for the sum or property, or to the effect therein specified. If the plaintiff accepts the offer, and gives notice thereof within 10 days, he may file the offer, with proof of notice of acceptance, and the clerk, or the judge where there is no clerk, must thereupon enter judgment accordingly. If the notice of acceptance be not given, the offer is to be deemed withdrawn, and cannot be given in evidence upon the trial; and if the plaintiff fails to obtain a more favorable judgment, he cannot recover costs, but must pay the defendant's costs from the time of the offer. Any judgment entered pursuant to this section is deemed to be a compromise settlement.

CHAPTER 278

An act to amend Section 49643 of the Agricultural Code, relating to plums and fresh prunes.

[Approved by Governor June 27, 1969. Filed with Secretary of State June 27, 1969.]

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

SECTION 1. Section 49643 of the Agricultural Code is amended to read:

49643. The following designations shall be used to indicate the size of the plums or fresh prunes in a container:

(a) If they are packed in the four-basket crate, the description of the arrangement of the pack in the top layer of the baskets, the total count of plums or fresh prunes in the container, or both the description of the arrangement and the total count.

(b) If they are wrapped and packed throughout in a straight side container, the count; or if they are packed without wrappers, in molded forms, cups, or similar packing devices, the count.

(c) If they are packed without wrappers throughout the container, or by the "face and fill" method, in any container, except the four-basket crate or the "round stave" basket, the "row count" directly followed by the word "row," "rows," or the letter "R" all in like size type, or the numerical description.

(d) If they are loose in any closed container except the "round stave" basket, the numerical description.

(e) In lieu of any other size designation on any container, size may be shown in terms of the maximum number of fruits for a specified weight in pounds, such as "8 per pound," "6.4 per pound," or "7⅔ per pound."

CHAPTER 279

An act to add Section 26646 to the Government Code, relating to sheriffs.

[Approved by Governor June 27, 1969. Filed with Secretary of State June 27, 1969.]

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

SECTION 1. Section 26646 is added to the Government Code, to read:

26646. The sheriff, with the approval of the county auditor, may establish bank accounts in which money received by the sheriff for bail and fines may be deposited and disbursed to the courts of proper jurisdiction. All moneys received and disbursed through such bank accounts shall be properly and uniformly accounted for under such procedures as the auditor may deem necessary.

CHAPTER 280

An act to amend Section 6350.4 of the Harbors and Navigation Code, relating to additional Stockton Port District bonds, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 27, 1969. Filed with Secretary of State June 27, 1969.]

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

SECTION 1. Section 6350.4 of the Harbors and Navigations Code is amended to read:

6350.4. The bonds may be issued in such denominations as the board determines, except that no bond shall be of a denomination less than one hundred dollars ($100) nor of a greater denomination than one thousand dollars ($1,000).

The bonds shall be payable on the day and at the place or places fixed in such bonds, with interest at the rate specified in the bonds, which rate shall not be in excess of 7 percent per annum of the face amount, payable annually or semiannually.

The board may provide for redemption of the bonds before maturity at prices and upon terms and conditions determined by it. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital on its face to that effect.

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

The existing maximum interest rate for Stockton Port District bonds is preventing the issuance and sale of bonds to produce an adequate supply of funds for urgently needed improvements. The increase in the maximum interest rate is needed so that funds can be made available at the earliest possible time for necessary and vital improvements.

CHAPTER 281

An act to amend Section 75106.5 of the Government Code, relating to the Judges' Retirement Law.

[Approved by Governor June 27, 1969. Filed with Secretary of State June 27, 1969.]

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

SECTION 1. Section 75106.5 of the Government Code is amended to read:

75106.5. A retired judge or the surviving spouse of a judge, entitled to receive an allowance under the provisions of this chapter, may authorize deductions to be made from the allowance, in accordance with regulations established for the

payment of group insurance premiums and other premiums provided for under the provisions of Section 1156 of this code as well as shares or obligations of any regularly chartered credit union.

CHAPTER 282

An act to amend Section 9531 of the Business and Professions Code, relating to drycleaning.

[Approved by Governor June 27, 1969. Filed with Secretary of State June 27, 1969.]

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

SECTION 1. 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, until 1970, expire in the same relative order as to the members first appointed. Commencing with the terms expiring in 1970, the terms of the members shall expire as follows:

Two on June 1, 1970.

Two on June 1, 1971.

Two on June 1, 1972.

One on June 1, 1973.

The persons appointed to succeed the retail plant owner member whose term expires in 1970, and the wholesale plant member whose term expires in 1971, shall be appointed to terms which shall expire June 1, 1972.

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

CHAPTER 283

An act to amend Section 29100.5 of the Government Code and to add Section 531.5 to the Revenue and Taxation Code, relating to property taxation, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 27, 1969. Filed with Secretary of State June 27, 1969.]

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

SECTION 1. Section 531.5 is added to the Revenue and Taxation Code, to read:

531.5. If a business inventories exemption has been incorrectly allowed because of erroneous or incorrect information submitted by the taxpayer or his agent misclassifying as business inventories property not includible in "business inventories", as that term is defined in Section 129, an escape assessment in the amount of the exemption shall be made on discovery of the error. Interest shall be added to the assessment at the rate of ½ percent per month, computed in the manner provided by Section 506. If the exemption was incorrectly allowed because of erroneous or incorrect information submitted by the taxpayer or his agent with knowledge that such information was erroneous or incorrect, the penalty provided in Section 504 shall be added to the assessment.

SEC. 2. Section 29100.5 of the Government Code is amended to read:

29100.5. At the time the rate of tax is fixed, cities, school districts and special districts shall not take into account the exemption provided for in Section 219 of the Revenue and Taxation Code, whether such property appears on the secured or unsecured roll. On or before September 15th of each year, the auditor shall compute for each city, district and revenue district wholly or partially within the county which levies taxes on property, the amount of revenue lost by reason of the partial exemption of business inventories based on the assessed value of the exempt property reported by the county assessor pursuant to Section 219 and the tax rate applicable to such property attributable to the city, district and revenue district for the fiscal year. The auditor shall, on or before October 1st of each year, allocate to each such revenue district, city or district funds equal to 75 percent of the revenue lost by each such governmental entity by reason of the partial exemption for business inventories in such fiscal year. The auditor, on or before April 30th, shall allocate to each such revenue district, city or district funds equal to 25 percent of the revenue lost by each such governmental entity by reason of the partial exemption for business inventories in such fiscal year.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall

go into immediate effect. The facts constituting such necessity are:

County assessors are in doubt as to their legal authority to make escape assessments on property which is not properly assessed because of misclassification thereof as business inventory by the taxpayer. In order to allow escape assessments arising from such misclassification to be made during the full 1969–70 fiscal year, and so that cities, school districts, and special districts may properly set their tax rates for the 1969–1970 fiscal year it is necessary that this act go into effect no later than July 1, 1969.

CHAPTER 284

An act to amend Sections 7643 and 7666 of the Business and Professions Code, relating to embalmers.

[Approved by Governor June 27, 1969. Filed with Secretary of State June 27, 1969.]

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

SECTION 1. Section 7643 of the Business and Professions Code is amended to read:

7643. In order to qualify for a license as an embalmer, the applicant shall comply with all of the following requirements:

(a) Be over 21 years of age.

(b) Be of good character.

(c) Furnish proof showing completion of a high school course or instead he may furnish the board with evidence that he has been licensed and has practiced as an embalmer for a minimum of three years within the seven years preceding his application in any other state or country and that such license has never been suspended or revoked for unethical conduct.

(d) Have completed at least two years of apprenticeship under an embalmer licensed and engaged in practice as an embalmer in this state in a funeral establishment which shall have been approved for apprentices by the board and while so apprenticed shall have assisted in embalming or otherwise preparing for disposition not less than 100 human dead bodies; provided, however, that a person who has been licensed and has practiced as an embalmer for a minimum of three years within the seven years preceding his application in any other state or country and whose license has never been suspended or revoked for unethical conduct shall not be required to serve any apprenticeship in this state.

(e) Have successfully completed a course of instruction of not less than nine months which embraces the subjects specified in Section 7646 of this code, in an embalming school approved by the board.

SEC. 2. Section 7666 of the Business and Professions Code is amended to read:

7666 (a) The term of apprenticeship shall be two years; provided, however, that if an apprentice after having served

his apprenticeship fails to pass the examination for an embalmer's license he may continue for one additional term of apprenticeship, which shall be the maximum apprenticeship permitted and provided further than an apprentice may, upon filing an application therefor, be permitted to continue such apprenticeship for a period not to exceed six months, if approved, for any of the following reasons:

(1) While awaiting the processing of applications submitted to the board.

(2) While awaiting notification of grades of embalmers' examinations given by the board.

(3) While awaiting the commencement of a class of an embalming school or college when such apprentice intends to enroll in such school or college.

Applications filed for an extension of apprenticeship shall be filed by the applicant with the Sacramento office of the board not less than 15 days prior to the date the applicant requests such extension to commence.

(b) Terms of apprenticeship may be served before, after, or divided by the embalming college course at the option of the apprentice; provided, however, that the term of apprenticeship must be completed, excluding time spent in active military service, within five (5) years from the date of original registration, or from the date an apprentice successfully passes the examination for embalmer's license required in Section 7646 of this code, whichever first occurs, and provided further that if the term of apprenticeship is not completed within such five (5) year period, the board may require that the applicant serve such additional term of apprenticeship, not to exceed two (2) years, and pass such additional examination on the subjects listed in Section 7646 of this code as the board considers necessary.

(c) A student attending an embalming college may register as an apprentice during his college term but shall receive no credit for such apprenticeship on the term required by this code.

(d) An apprentice while serving his required term of apprenticeship shall be a full-time employee in the funeral establishment wherein he is employed.

CHAPTER 285

An act to amend Sections 2.2, 5.1, 5.2, 5.3, 5.5, and 10.1 of, to add Sections 1.4 and 5.6 to, and to repeal Section 5.6 and Article 9 (commencing with Section 9.1) of, the Delta Water Agency Act (Chapter 419 of the Statutes of 1968), and to add Section 54937 to the Government Code, relating to the Delta Water Agency, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 27, 1969. Filed with Secretary of State June 28, 1969.]

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

SECTION 1. Section 1.4 is added to the Delta Water Agency Act (Chapter 419 of the Statutes of 1968), to read:

Sec. 1.4. "Land" or "lands" as used herein excludes improvements thereon, and also excludes rights or privileges appertaining to minerals, oil, gas, or other hydrocarbon substances underlying the surface thereof when such rights or privileges are assessed separately from the land.

SEC. 1.2. Section 2.2 of the Delta Water Agency Act (Chapter 419 of the Statutes of 1968) is amended to read:

Sec. 2.2. Each landowner shall have one vote for each dollar's worth of land to which he holds title within the division. The last equalized assessment roll of the county in which the land is located is conclusive evidence of ownership and of the worth of the land for voting purposes.

SEC. 1.4. Section 5.1 of the Delta Water Agency Act (Chapter 419 of the Statutes of 1968) is amended to read:

Sec. 5.1. On or before the 30th day of June of each year, the board shall determine, and cause to be thereafter assessed and collected as provided in this act, an amount of money sufficient to meet and pay the estimated expenses and obligations, including a reasonable reserve for contingencies, of the agency, until such time as moneys shall be available to the agency from assessments levied in the next succeeding year, subject, however, to a maximum limit of one hundred thousand dollars ($100,000) for purposes other than payment under the contracts provided for in Section 4.1.

SEC. 2. Section 5 2 of the Delta Water Agency Act (Chapter 419 of the Statutes of 1968) is amended to read:

Sec. 5.2. The agency shall, at the time of making the determinations specified in Section 5.1, also determine the portion of the amounts to be raised applicable to each county within which lands lying within the agency are located, on the ratio of the gross area within the agency within such county to the total gross area in the agency, as determined by the agency, and the board shall certify such determinations to the board of supervisors of each county within which lands lying within the agency are located on or before the 30th day of June.

SEC. 3. Section 5.3 of the Delta Water Agency Act (Chapter 419 of the Statutes of 1968) is amended to read:

Sec. 5.3. Upon receipt of such certificate of determination, the county auditor, county assessor and county tax collector of each county shall take such action as may be necessary to collect such amount by prorating it on the basis of the assessed value of the taxable land, as defined in this act, lying within the agency and located in such county.

SEC 4 Section 5.5 of the Delta Water Agency Act (Chapter 419 of the Statutes of 1968) is amended to read:

Sec 5 5. The board of supervisors shall levy an assessment on the lands within the agency in accordance with the deter-

minations made above, at the same time county taxes are levied, and its collection shall be at the same time and in the same manner as county taxes. Such assessments shall be a lien on the lands assessed and shall be enforceable in the same manner and by the same means as county taxes.

When collected, the amount, less the cost incurred by the county in complying with the provisions of this act, shall be paid to the treasurer of the agency under the general requirements and penalties provided by law for the settlement of other taxes.

SEC. 5. Section 5.6 of the Delta Water Agency Act (Chapter 419 of the Statutes of 1968) is repealed.

SEC. 5.3. Section 5.6 is added to the Delta Water Agency Act (Chapter 419 of the Statutes of 1968), to read:

Sec. 5.6. The board may, but need not, appoint as treasurer of the agency the county treasurer of any county situated in whole or in part within the boundaries of the agency. In the event that a county treasurer is appointed, he shall be the depository of the funds of the agency.

The board may issue warrants drawn on the appropriate funds of the agency to pay indebtedness of the agency incurred in carrying out the powers and duties of the agency in anticipation of the collection of assessment levies.

SEC. 5.5. Article 9 (commencing with Section 9.1) of the Delta Water Agency Act (Chapter 419 of the Statutes of 1968) is repealed.

SEC. 6. Section 10.1 of the Delta Water Agency Act (Chapter 419 of the Statutes of 1968) is amended to read:

Sec. 10.1. The boundaries of the agency are as follows:

Beginning at the Sacramento River at the I Street bridge proceeding westerly along the Southern Pacific Railroad to its intersection with the west levee of the Yolo By-Pass; southerly along the west levee to an intersection with Putah Creek, then westerly along the left bank of Putah Creek to an intersection with the north-south section line dividing sections 29 and 28, T8N, R6E; south along this section line to the northeast corner of section 5, T7N, R3E; west to the northwest corner of said section; south along west boundary of said section to intersection of Reclamation District No. 2068 boundary at northeast corner of SE ¼ of section 7, T7N, R3E; southwesterly along Reclamation District No. 2068 boundary to southeast corner of SW ¼ of Section 8, T6N, R2E; west along the south boundary of Section 8, T6N, R2E to the southeast corner of Section 7, T6N, R2E; north to the northeast corner of the SE ¼ of said Section 7; west to the northwest corner of the SE ¼ of said Section 7; south to the northeast corner of the SE ¼ SW ¼ of said Section 7; west to the northeast corner of the SE ¼ SE ¼ of Section 11, T6N, R1E; north to the southeast corner of the NE ¼ NE¼ of said Section 11; west to the southwest corner of the NW ¼ NE ¼ of said Section 11; north to the northwest corner of the NW ¼ NE ¼ of said Section 11; west along the north boundary of said Section 11 to the northwest

corner of said Section 11; south along the west boundaries of Sections 11 and 14, T6N, R1E to the relocated channel of Ulatis Creek; southeast along the relocated channel of Ulatis Creek to the south boundary of Section 6, T5N, R2E; west to the southwest corner of the SE ¼ of said section; south to the southwest corner of the NE ¼ of section 7, T5N, R2E; east to the southeast corner of the NE ¼ of said section; south to the southeast corner of said section; west to the northeast corner of section 13, T5N, R1E; south to the southeast corner of said section; west to the northwest corner of the NE ¼ of section 23, T5N, R1E; south to the southwest corner of the NE ¼ of said section; west to the northwest corner of the SW ¼ of said section; south to the southwest corner of the NW ¼ of section 26, T5N, R1E; east to the northeast corner of the SE ¼ of section 25, T5N, R1E; south to the southeast corner of said section; east to the northeast corner of section 31, T5N, R2E; south to the southeast corner of the NE ¼ of said section; east to the northeast corner of the SE ¼ of section 32, T5N, R2E; south to the northwest corner of section 4, T4N, R2E; east to the northeast corner of said section; south to the southwest corner of the NW ¼ of section 3, T4N, R2E; east to the northeast corner of the SE ¼ of said section; south to the southwest corner of the NW ¼ of the NW ¼ of section 11, T4N, R2E; east to the southeast corner of the NE ¼ of the NE ¼ of said section; south along the east line of section 11, T4N, R2E to a road intersection approximately 1000 feet south of the southeast corner of said section; southeasterly along an unnamed road to its intersection with the right bank of the Sacramento River about 0.7 mile upstream from the Rio Vista bridge; southwesterly along the right bank of the Sacramento River to the Rio Vista Bridge; southeast along the Rio Vista Bridge to the left bank of the Sacramento River; southwest along the left bank of the enlarged Sacramento River channel to the north end of the west levee of Sherman Island; south to Mayberry Slough; southerly along Mayberry Slough to the San Joaquin River; south to the north boundary of the Contra Costa County Water District; easterly and southerly along the north and east boundaries of the Contra Costa County Water District to its intersection with the boundary of the East Contra Costa Irrigation District at the northeast corner of the SE ¼ of Section 25, T2N, R2E; southerly, westerly and southeasterly along the west, northern and southern boundaries of the East Contra Costa Irrigation District to its intersection with the west boundaries of the Byron Bethany Irrigation District; southeasterly along the southwestern boundary of the Byron Bethany Irrigation District, West Side Irrigation District, and Banta-Carbona Irrigation District to the Northwesterly corner of the West Stanislaus Irrigation District, thence Easterly and Southerly along the boundary of the West Stanislaus Irrigation District to the Stanislaus County line thence along the County line Easterly to the Southeasterly corner of Reclamation District No. 2064 and Northeasterly along Rec-

lamation District No. 2064 boundary, around its eastern side to Reclamation District No. 2075 and along the eastern and northern sides of Reclamation District No. 2075 to Reclamation District No. 2094, north along the eastern boundary of Reclamation District No. 2094 to Reclamation District No. 17; along the eastern side of Reclamation District No. 17 to French Camp Slough; northerly along French Camp Turnpike to Center Street; north along Center Street to Weber Avenue; east along Weber Avenue to El Dorado Street; north along El Dorado Street to Harding Way; west along Harding Way to Pacific Avenue; north along Pacific Avenue to the Calaveras River; easterly along the left bank of the Calaveras River to a point approximately 1,600 feet west of the intersection of the Western Pacific Railroad and the left bank of said river; across the Calaveras River and then north 18° 26′ 36″ west a distance of approximately 2,870 feet; south 72° 50′ west a distance of approximately 4,500 feet to Pacific Avenue (Thornton Road); north along Pacific Avenue continuing onto Thornton Road to its intersection with the boundary line dividing Woodbridge Irrigation District and Reclamation District No. 348; east along this boundary line to its intersection with the Mokelumne River; continuing easterly along the right bank of the Mokelumne River to an intersection with the range line dividing R5E and R6E; north along this range line to the Sacramento-San Joaquin County line; west along the county line to an intersection with Reclamation District No. 1609; northerly along the eastern boundary of Reclamation District No. 1609 to the Cosumnes River, upstream along the right bank of the Cosumnes River to an intersection with the eastern boundary of extended section 23, T5N, R5E; north along the eastern boundary of said extended section to the southeast corner of the NE ¼ of the NE ¼ of said extended section; west to the southeast corner of the NE ¼ of the NW ¼ of said extended section; north to the southeast corner of the NW ¼ of extended section 14, T5N, R5E; west to an intersection with Desmond Road; north along Desmond Road to Wilder-Ferguson Road; west along Wilder-Ferguson Road to the Western Pacific Railroad; northerly along the Western Pacific Railroad to Lambert Station Road; west along Lambert Station Road to the southeast corner of Section 31, T6N, R5E; north to the northeast corner of the SE ¼ SE ¼ of said Section 31; west to the northwest corner of the SW ¼ SE ¼ of Section 36, T6N, R4E; north to the northwest corner of the SW ¼ NE ¼ of said Section 36; east to the southeast corner of the NE ¼ NE ¼ of said Section 36; north to the northwest corner of the SW ¼ SW ¼ of Section 30, T6N, R5E; east to the northeast corner of the SE ¼ SE ¼ of said Section 30; north to the northeast corner of the NE ¼ SE ¼ of said Section 30; west to the northwest corner of the NE ¼ SE ¼ of said Section 30; north to the northeast corner of the SW ¼ NE ¼ of said Section 30; west to the northwest corner of the SW ¼ NE ¼ of said Section 30; north to the south line of Section 19, T6N,

R5E; east along the south lines of Sections 19 and 20 to the south east corner of the SW ¼ of Section 20 T6N, R5E; north to the center of said Section 20; west to the southwest corner of the NW ¼ of said Section 20; north to the northwest corner of said Section 20; west to the northwest corner of the NE ¼ of Section 19, T6N, R5E; south to the southeast corner of the NE ¼ NW ¼ of said Section 19; west to the southwest corner of the NE ¼ NW ¼ of said Section 19; north to the northwest corner of the SE ¼ SW ¼ of Section 18, T6N, R5E; east to the northeast corner of the SE ¼ SW ¼ of said Section 18; north to the south line of Section 6, T6N, R5E; west to the southeast corner of the SW ¼ SW ¼ of said Section 6; north to the southeast corner of the SW ¼ NW ¼ of Section 31, T7N, R5E; west to an intersection with the range line dividing R4E and R5E; north along this range line to the south boundary of the City of Sacramento; westerly along the boundary of the City of Sacramento to its intersection with the Sacramento River; north along the right bank of the Sacramento River to the I Street Bridge.

Section, range, and township locations are referenced to the Mount Diablo Base Line and Meridian. Road names and locations are as shown on the following United States Geological Survey Quadrangles, 7.5 minute series: Rio Vista, 1953; Clayton, 1953; Vernalis, 1952; Ripon, 1952; Bruceville, 1953; Florin, 1953; and Stockton West, 1952.

SEC. 7. Section 54937 is added to the Government Code, to read:

54937. Notwithstanding the provisions of Sections 54902 and 54903, the Delta Water Agency created pursuant to the Delta Water Agency Act of 1968 (Chapter 419 of the Statutes of 1968) shall be effective for assessment and taxation purposes in 1969 if the statement and map or plat required by Sections 54900 and 54901 was filed on behalf of the agency on or before December 31, 1968, and such filing is ratified by the agency on or before March 1, 1969.

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

This act will permit the Delta Water Agency to cause assessments to be levied during the fiscal year commencing on July 1, 1969. This act will also clarify the provisions governing the procedures under which the agency may cause assessments to be levied for the benefit of the district. In order that this act may take effect in time to affect the levy of assessments for the benefit of the district by July 1, 1969, it is necessary that it go into effect immediately.

CHAPTER 286

An act to amend Section 625b of the Penal Code, relating to aircraft.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 625b of the Penal Code is amended to read:

625b. (a) Every person who willfully injures or tampers with any aircraft or the contents or parts thereof, or removes any part of or from an aircraft without the consent of the owner, and every person who, with intent to commit any malicious mischief, injury or other crime, climbs into or upon an aircraft or attempts to manipulate any of the controls, starting mechanism, brakes or other mechanism or device of an aircraft while it is at rest and unattended or who sets in motion any aircraft while it is at rest and unattended, is guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not more than six months or by a fine of not more than five hundred dollars ($500), or by both such fine and imprisonment.

(b) Every person who willfully and maliciously damages, injures, or destroys any aircraft, or the contents or any part thereof, in such a manner as to render the aircraft unsafe for those flight operations for which it is designed and equipped is punishable by imprisonment in the state prison not exceeding five years, or by imprisonment in a county jail not exceeding one year, or by a fine not exceeding five thousand dollars ($5,000), or by both such fine and imprisonment.

CHAPTER 287

An act to amend Section 2952 of the Civil Code, relating to recording.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 2952 of the Civil Code is amended to read:

2952. Mortgages and deeds of trust of real property may be acknowledged or proved, certified and recorded, in like manner and with like effect, as grants thereof; provided, however, that a mortgage or deed of trust of real property may be recorded and constructive notice of the same and the contents thereof given in the following manner:

Any person may record in the office of the county recorder of any county fictitious mortgages and deeds of trust of real

property. Such fictitious mortgages and deeds of trust need not be acknowledged, or proved or certified to be recorded or entitled to record. Such mortgages and deeds of trust shall have noted upon the face thereof that they are fictitious. The county recorder shall index and record such fictitious mortgages and deeds of trust in the same manner as other mortgages and deeds of trust are recorded, and shall note on all indices and records of the same that they are fictitious. Thereafter, any of the provisions of any such recorded fictitious mortgage or deed of trust may be included for any and all purposes in any mortgage or deed of trust by reference therein to any such provisions, without setting the same forth in full; provided, such fictitious mortgage or deed of trust is of record in the county in which the mortgage or deed of trust adopting or including by reference any of the provisions thereof is recorded. Such reference shall contain a statement, as to each county in which the mortgage or deed of trust containing such a reference is recorded, of the date such fictitious mortgage or deed of trust was recorded, the county recorder's office wherein it is recorded, and the book or volume and the first page of the records in the recorder's office wherein and at which any such fictitious mortgage or deed of trust was recorded, and a statement by paragraph numbers or any other method that will definitely identify the same, of the specific provisions of any such fictitious mortgage or deed of trust that are being so adopted and included therein. The recording of any such mortgage or deed of trust which has included therein any such provisions by reference as aforesaid shall operate as constructive notice of the whole thereof including the terms, as a part of the written contents of any such mortgage or deed of trust, of any such provisions so included by reference as though the same were written in full therein. The parties bound or to be bound by provisions so adopted and included by reference shall be bound thereby in the same manner and with like effect for all purposes as though such provisions had been and were set forth in full in any such mortgage or deed of trust.

Whenever a mortgage or deed of trust is presented for recordation and such mortgage or deed of trust contains a reference to provisions in a fictitious mortgage or deed of trust with a part or all of the provisions typed, written, or printed on the mortgage or deed of trust preceded by "do not record" or "not to be recorded," or the like, the county recorder shall record only the mortgage or deed of trust portion of the document and shall not be liable for failing to make a record of the portion of the document bearing provisions preceded by the instructions not to record.

The amendment to this section enacted by the 1957 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the preexisting law.

SEC. 2. This act shall become operative July 1, 1970.

CHAPTER 288

An act to add Section 2283.5 to the Health and Safety Code, relating to pest abatement.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 2283.5 is added to the Health and Safety Code, to read:

2283.5. When any nuisance specified in this chapter is found to exist on any property subject to the control of any state agency, the district shall notify the state agency of the existence of the nuisance. The provisions of Sections 2275, 2276, 2277, 2278, 2280, 2281, and 2282 shall govern the contents of the notice and the manner of serving it, the right of the state agency to a hearing before the board, the hearing before the board, and the power of the district to abate the nuisance if it is not abated by the state agency. If the state agency determines that the order to prevent recurrence of the breeding specified in the notice to abate the nuisance is excessive or inappropriate for the intended use of the land, or if the state agency determines that a nuisance, as specified in Section 2271, does not exist, such agency may appeal the decision of the board to the State Director of Public Health within 10 days subsequent to the hearing. The director shall decide the matters on appeal and convey his decision to the agency and district within 30 days of the receipt of the appeal. The decision of the director shall be final and conclusive. If the control of the nuisance is performed by the district, the cost for such control is a charge against, and shall be paid from, the maintenance fund or from other funds for the support of the state agency.

Any state agency and a district may enter into contractual agreements to provide control of nuisances as defined in this chapter. The authority which is granted by this paragraph is in addition to any other authority which a state agency and a district may have to enter into contractual agreements for such purpose.

As used in this section, the term "state agency" has the meaning prescribed by Section 11000 of the Government Code.

CHAPTER 289

An act to add Section 1020 to the Education Code, and to add Section 17157 to the Vehicle Code, relating to civil liability.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 1020 is added to the Education Code, to read:

1020. Any person, corporation, firm, or public entity, or employee thereof, who gratuitously loans equipment of any description or the services of an employee to a school district shall not be liable, and the school district shall be liable, for damages because of personal injuries to, or the death of any person or damage to property resulting from the operation of such equipment or an act or omission of such employee occurring while such equipment or employee is under the supervision and control of the school district.

This section does not apply to any person, corporation, firm, or public entity who gratuitously loans mechanically defective equipment of any description or who gratuitously loans the services of an employee who is not fully qualified to perform such service, and such defect or lack of qualification is the cause of any damage or injury.

An employee whose services are loaned to a school district pursuant to this section remains an employee of his employer for all purposes, including the application of the provisions of the Labor Code relating to workmen's compensation.

For the purposes of this section, "public entity" includes the state, the Regents of the University of California, a county, city, city and county, district, public authority, public agency, or any other political subdivision or public corporation in this state.

SEC. 2. Section 17157 is added to the Vehicle Code, to read:

17157. If a motor vehicle is gratuitously loaned to a school district, the bailee and not the bailor shall be deemed to be the owner within the provisions of this chapter notwithstanding the terms of any contract, until the bailor retakes possession of the motor vehicle.

CHAPTER 290

An act to add Article 3 (commencing with Section 6990) to Chapter 10.5 of Division 6 of the Education Code, and to repeal Article 10 (commencing with Section 427) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, relating to alcoholism, and declaring the urgency thereof, to take effect immediately, and making an appropriation therefor.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Article 3 (commencing with Section 6990) is added to Chapter 10.5 of Division 6 of the Education Code, to read:

Article 3. Alcoholism

6990. Alcoholism and problems associated with misuse of alcoholic beverages impair the life and health of a large segment of the population of California and impose great burdens of cost and indirect expense on the people and industry of the state and on local and the state governments. The purpose of this article is to assign responsibility and grant authority for planning, establishment and conduct of state efforts directed toward assisting and encouraging persons impaired by alcoholism to attain their maximum usefulness and self-sufficiency in order to reduce the effects of alcoholism on the individuals, their families, the community, and to educate Californians, by a statewide program of public education, on the dangers involved in the misuse of alcoholic beverages.

6990.1. The Department of Rehabilitation shall be responsible for the development and maintenance of a statewide comprehensive plan for the conduct of vocational rehabilitation programs for early detection and prevention of alcoholism and effective treatment and rehabilitation; for encouraging and promoting effective use of facilities, resources, and funds in the planning and conduct of programs and activities for early detection and prevention of alcoholism and effective treatment and rehabilitation; for developing a comprehensive statewide educational program, in cooperation with the Department of Education, Department of Public Health, and other related agencies, so that all citizens will be made aware of the inherent dangers involved in the misuse of alcoholic beverages, with this program to be at an adult, college, and secondary school level; and for reporting periodically to the Governor and the Legislature on the status of alcoholism and related matters in the state and on the progress of efforts to reduce the effects of alcoholism on the individuals, their families, the community, and the progress of the statewide public education program on the dangers involved in the misuse of alcoholic beverages.

In the discharge of this responsibility, the department shall cooperate with and utilize to the maximum possible extent the resources and services of federal, state, and local agencies, including those within the Human Relations Agency.

The Department of Rehabilitation is the successor to the Division of Alcoholism of the State Department of Public Health. Whenever a reference is in any statute or contract to the Division of Alcoholism of the State Department of Public Health, it shall be construed as the Department of Rehabilitation.

6990.2. The Department of Rehabilitation shall plan, promote, and assist in the support of vocational rehabilitation programs for early detection and prevention of alcoholism and effective treatment and rehabilitation; shall conduct, sponsor, and support investigations and studies, including evaluation, of all phases of alcoholism; shall assist in the development of educational and training programs; and shall carry on programs to assist the public, and technical and professional groups, in becoming fully informed about alcoholism.

The department shall promote, develop, and financially assist, where necessary, community vocational rehabilitation alcoholism programs

The Department of Rehabilitation may directly administer community vocational rehabilitation programs or may conduct such programs as cooperative programs with a local department of public health or mental health services as designated by the county board of supervisors, or such other local public agency as designated by the county board of supervisors which meets standards of training and experience, as the Department of Rehabilitation shall prescribe after consultation with the State Department of Public Health and the Department of Mental Hygiene.

The cooperative vocational rehabilitation alcoholism programs will be conducted within a comprehensive local plan including, but not limited to, the following services as defined by the California State Plan for Vocational Rehabilitation:

(a) Vocational rehabilitation services for individuals.

(1) Casefinding including outreach, referral, and advocacy.

(2) Evaluation including diagnostic and related services.

(3) Counseling and guidance.

(4) Physical restoration services, both inpatient and outpatient including medical, surgical, psychiatric, psychological, and nursing services.

(5) Training, including personal and vocational adjustment, and related services.

(6) Maintenance.

(7) Transportation.

(8) Services to family members.

(9) Job placement.

(10) Followup services.

(b) Vocational rehabilitation administration services for the community

(1) Continuing measurement of local problem and resources.

(2) Development and coordination of local program.

(3) Public information training, staff development and professional education.

(4) Consultation and guidance to other local agencies and groups.

(5) Evaluation.

The department shall promote, develop, and financially assist such other services as may be required to implement the provisions of this article.

Local public agencies conducting such cooperative vocational rehabilitation alcoholism programs shall maintain records and submit periodic reports as required by the Department of Rehabilitation.

6990 3. Local vocational rehabilitation programs for early detection and prevention of alcoholism and effective treatment and rehabilitation conducted under authority of this article, or to carry out the purposes of this article, shall be administered under such standards and regulations which the Department of Rehabilitation determines are reasonably necessary to carry out the purposes of this article and consistent with the provisions of Section 6990.2. Standards, regulations, and procedures applicable to local vocational rehabilitation alcoholism programs shall be adopted after consultation with the directors of the local vocational rehabilitation alcoholism programs Necessary and actual expenses for all meetings called by the director for this purpose shall be a charge against available funds under this article.

6990.4. To be eligible for state participation a local public agency designated by the county board of supervisors shall develop and submit to the Department of Rehabilitation an initial plan for a communitywide vocational rehabilitation program for early detection and prevention of alcoholism and effective treatment and rehabilitation. The plan shall specify those services for which state participation is requested, and provide a budget of proposed expenditures. A vocational rehabilitation alcoholism plan may provide for direct operation of the required services, or furnishing of these services by other appropriate agencies, groups and individuals, or a combination of both.

Continuing support of local cooperative vocational rehabilitation alcoholism programs will be based on annual submission and approval of an updated community plan, and on evaluation by the Department of Rehabilitation of local performance.

Participation for any fiscal year shall be limited to the amount fixed by the Department of Rehabilitation when the local plan is approved, unless additional expenditure is authorized after submission and approval of a supplementary plan.

No state participation shall be provided for services which are not included in the approved plan, or which fail to comply with standards adopted by the Department of Rehabilitation under Section 6990.3. The financial participation in the nonfederal-reimbursed costs of the local cooperative vocational rehabilitation alcoholism plan shall be 75 percent state and 25 percent local.

6990.5. The Department of Rehabilitation, the Department of Mental Hygiene. and the State Department of Public Health shall consult with and render assistance to any county which requests information or advice concerning the planning and operation of its local plan.

The State Department of Public Health has the primary responsibility of consulting with and assisting any county making such request with respect to any medical services provided by the local plan.

6990.6. Local agencies conducting such local vocational rehabilitation programs may make charges to patients or clients served, such revenue to be used to defray the expenses of the programs. In the event such revenue exceeds the local expenditures for the programs, such excess collections shall be reimbursed to the state.

6990.7. The department may, through reimbursement contract, interagency agreement or otherwise, make available funds to other governmental agencies and to voluntary, nonprofit organizations, or individuals, to carry out the provisions of this article. Such contracts shall be drawn only after submission and approval of an application which fulfills requirements established by the Department of Rehabilitation.

6990.8. The Director of Rehabilitation may appoint annually an advisory committee consisting of not more than 15 members to advise him and the department in the performance of the duties imposed by this article, and shall serve as the chairman. The committee shall be solely advisory in character and shall not be delegated any administrative authority or responsibility. Committee members shall serve without compensation, but shall be reimbursed for actual and necessary expenses incurred in connection with the performance of their duties.

6990.9. In addition to any other authority prescribed by this article, the board of supervisors of any county may establish and staff a county department to prescribe and conduct or supervise a program for the rehabilitation of alcoholics confined in any county jail, industrial farm, road camp, or in any other county institution, and to further prescribe, conduct, or supervise programs of continuing such rehabilitation on a voluntary basis after the discharge from custody of any inmate of any such county institution, except, that if funds under this article participate, such programs shall meet the standards established under the authority of Section 6990.3 of this article. No program under the provisions of this section shall be activated in any county jail, or other institutions maintained or operated under the jurisdiction of the sheriff, without the advice and consent of the sheriff.

6990.10. The Department of Rehabilitation shall formulate a plan for the complete evaluation of alcoholism programs developed under this article. The objective of the plan should be to determine if state and local programs are achieving the goal of this article, which is to assist and encourage persons impaired by alcoholism to attain their maximum usefulness and self-sufficiency in order to reduce the effects of alcoholism on the individuals, their families, and the community. The plan shall be put into effect as soon as possible and the depart-

ment shall annually submit a report on the plan and its progress in initiating it to the Legislature.

The plan formulated by the department shall include specific provisions for the evaluation of vocational rehabilitation administration services for the community. In order to adequately evaluate such services, the department shall insure that at least one community program has a comprehensive program of such services so that the results may be compared with the results in communities which do not.

6990.11. The sum of seven hundred nineteen thousand dollars ($719,000) is appropriated for expenditure by the Department of Rehabilitation for the purpose of conducting the program functions under this article. This sum comprises the state's share of funds for this program during the 1969–70 fiscal year. In addition, those federal matching funds available to the Department of Rehabilitation for this program under provisions of the Federal Vocational Rehabilitation Act are hereby appropriated for expenditure during the 1969–70 fiscal year.

6990.12. All officers and employees of the agencies enumerated in Section 6990.1 on the operative date of this article, who are serving in the state civil service, other than temporary employees, and who are engaged in the performance of a function transferred to the Department of Rehabilitation or who are engaged in the administration of a law, the administration of which is transferred to the Department of Rehabilitation, by this article shall be transferred to the Department of Rehabilitation and their status, positions, and rights shall not be affected by their transfer and they shall continue to be retained as employees of the Department of Rehabilitation pursuant to the State Civil Service Act, except as to positions the duties of which are vested in a position exempt from civil service.

6990.13. This article shall be known and may be cited as the McAteer Alcoholism Act.

SEC. 2. Article 10 (commencing with Section 427) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code is repealed.

SEC. 3. This act shall become operative on July 1, 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:

The alcoholic rehabilitation program is one of continuing benefit to those requiring treatment. If funds are not available on July 1, 1969, there will be a delay in the program and in the rehabilitation treatment being supplied to the program's patients and clients Therefore, it is essential that this act takes effect immediately.

CHAPTER 291

An act to maintain the Unemployment Insurance Code by amending Sections 702, 708, 708.5, 1260, 1262.5, 2768, 3255, and by amending and renumbering Section 10000 as added by Chapter 308 of the Statutes of 1953, and by repealing Sections 980.5 and 981 as added by Chapter 635 of the Statutes of 1965, and Section 3007 and Division 15 (commencing with Section 15000), relating to unemployment insurance.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 702 of the Unemployment Insurance Code is amended to read:

702. (a) Any employing unit for which services that do not constitute employment are performed, may file with the director a written election that all such services performed by individuals in its employ in one or more distinct establishments or places of business shall be deemed to constitute employment by an employer for all the purposes of this division for not less than two calendar years. Upon the written approval of the election by the director, such services shall be deemed to constitute employment subject to this division from and after the date stated in the approval.

(b) Notwithstanding the provisions of subdivision (a) of this section, a state college auxiliary organization which meets the requirements of subdivision (a) of Section 634 may exclude from coverage under an election pursuant to this section service performed by a student who is enrolled and is regularly attending classes at the state college with which the auxiliary organization is affiliated.

SEC. 2. Section 708 of the Unemployment Insurance Code is amended to read:

708. (a) Any individual who is an employer under this division or any two or more individuals who have so qualified may file with the director a written election that their services shall be deemed to be services performed by individuals in employment for an employer for all the purposes of this division. Upon the approval of the election by the director the services of such individuals shall be deemed to constitute employment for an employer for all the purposes of this division. Regardless of their actual earnings, for the purposes of computing benefit rights and contributions under this division, they shall be deemed to have received remuneration for each calendar quarter in the highest of the maximum amounts stated in column A of Section 1280 or column A of Section 2655.

(b) Any individual who is an employer under this division or any two or more individuals who have so qualified may file

with the director a written election that their services shall be deemed to be services performed by individuals in employment for an employer for the purposes of Part 2 only of this division. Upon the approval of the election by the director the services of such individuals shall be deemed to constitute employment for an employer for the purposes of Part 2 only of this division. Regardless of their actual earnings, for the purposes of computing disability benefit rights and worker contributions, they shall be deemed to have received remuneration for each calendar quarter in the highest of the maximum amounts stated in column A of Section 2655.

(c) Contributions required under this division are payable on and after the date stated in the approval of the director. The director may levy assessments under this division for any amount due under this section.

(d) No benefits shall be paid to any individual based upon remuneration deemed to have been received pursuant to this section unless all contributions due with respect to all remuneration deemed to have been received by such individual pursuant to this section have been paid to the department.

SEC. 3. Section 708.5 of the Unemployment Insurance Code is amended to read:

708.5. (a) Any individual who is self-employed, who is not an employer as defined in any provision of Article 3 (commencing with Section 675), of Chapter 3 of this part, and who receives the major part of his remuneration from the trade, business or occupation in which he is self-employed, may file with the director a written election that his services in connection with his trade, business, or occupation shall be deemed to be services performed by an individual in employment for an employer for the purposes of Part 2 only of this division. Upon the approval of the election by the director, the services of such a self-employed individual in connection with his trade, business, or occupation shall be deemed to constitute employment for an employer for the purposes of Part 2 only of this division. Regardless of his actual earnings, for the purpose of computing disability benefit rights and worker contributions, he shall be deemed to have received remuneration for each calendar quarter in the highest maximum amount stated in column A of Section 2655.

(b) Worker contributions required under this division are payable on and after the date stated in the approval of the director. The director may levy assessments under this division for any amount due under this section.

(c) No benefits shall be paid to any individual based upon remuneration deemed to have been received pursuant to this section unless all contributions due with respect to all remuneration deemed to have been received by such individual pursuant to this section have been paid to the department.

SEC. 4. Section 980.5 as added to the Unemployment Insurance Code by Chapter 635 of the Statutes of 1965 is repealed. The repeal made by this section shall not affect the

existence or validity of Section 980.5 of the Unemployment Insurance Code as added by Chapter 1897 of the Statutes of 1965.

SEC. 5. Section 981 as added to the Unemployment Insurance Code by Chapter 635 of the Statutes of 1965 is repealed. The repeal made by this section shall not affect the existence or validity of Section 981 of the Unemployment Insurance Code as added by Chapter 1897 of the Statutes of 1965.

SEC. 6. Section 1260 of the Unemployment Insurance Code is amended to read:

1260. (a) An individual disqualified under Section 1256, under a determination transmitted to him by the department, is ineligible to receive unemployment compensation benefits for the week in which the act that causes his disqualification occurs and continuing until he has, subsequent to the act that causes disqualification and his registration for work, performed service in bona fide employment for which remuneration is received equal to or in excess of five (5) times his weekly benefit amount.

(b) An individual disqualified under subdivision (b) of Section 1257, under a determination transmitted to him by the department, is ineligible to receive unemployment compensation benefits for not less than 2 nor more than 10 consecutive weeks beginning with:

(1) The week in which the cause of his disqualification occurs, if he registers for work in that week.

(2) The week subsequent to the occurrence of the cause of his disqualification in which he first registers for work, if he does not register for work in the week in which the cause of his disqualification occurs.

(c) An individual disqualified under subdivision (b) of Section 1257 shall be required to report at a public employment office as provided in subdivision (b) of Section 1253 and an additional week of disqualification shall be imposed for each week during which he does not so report unless good cause for such failure is shown.

(d) An individual disqualified under subdivision (a) of Section 1257, under a determination transmitted to him by the department, is ineligible to receive unemployment compensation benefits for the week in which the determination is mailed to or personally served upon him, or any subsequent week, for which he is first otherwise in all respects eligible for unemployment compensation benefits and for not more than nine subsequent weeks for which he is otherwise in all respects eligible for unemployment compensation benefits No disqualification under this subdivision shall be applied to any week if all or any portion of the week is beyond the three-year period next succeeding the date of the mailing or personal service of the determination. This subdivision shall not apply to an individual prosecuted under Section 2101.

(e) Notwithstanding the provisions of subdivision (d) of this section, an individual who is unemployed with respect to

any week and is subject to a disqualification that is imposed under subdivision (b) of Section 1257 may, if he has registered for work for that week as required by subdivision (b) of Section 1253, concurrently serve with respect to that week a disqualification imposed under subdivision (a) of Section 1257.

SEC. 7. Section 1262.5 of the Unemployment Insurance Code is amended to read:

1262.5. (a) Whenever the department learns that a trade dispute is in progress, the department shall conduct a preliminary investigation and shall establish a class or classes of claimants based upon the ultimate facts of general and common application as to the eligibility of the members of such class or classes and shall make a preliminary determination as to whether or not any class or classes of employees involved in the dispute may be, or are, ineligible pursuant to Section 1262 from receiving benefits during the dispute.

(b) If in the opinion of the department 100 or more persons involved are likely to be finally individually determined to be not ineligible under Section 1262, the department shall transmit a notice of its preliminary determination to each employer and labor organization involved in the dispute.

(c) The department shall promptly publish its preliminary determination in two newspapers of general circulation in the geographical areas wherein the dispute is occurring.

(d) An employer involved in the trade dispute or a union whose members have been determined to be ineligible by the preliminary determination may within 10 days after such publication file an appeal. Except as provided in this section, the proceedings on the appeal shall be conducted in the same manner as those conducted under Article 3 (commencing with Section 1326) of Chapter 5 of this part with respect to benefit claims.

(e) A hearing on an appeal filed by an employer or a union concerning a preliminary determination shall be held not later than 25 days after publication of the preliminary determination. Notice of the hearing shall be published in two newspapers of general circulation in the geographical area involved not later than five days prior to the hearing.

(f) The only issues which may be raised at a hearing held on an appeal shall be whether or not the department has correctly (i) established the class or classes of employees, and (ii) determined that the specified class or classes are not ineligible under Section 1262.

(g) The referee may affirm, modify or reverse the preliminary determination of the department. He shall issue his decision within 10 days, if practicable, after the conclusion of the hearing.

(h) The first paragraph of subdivision (b) of Section 1335 shall not apply to proceedings pursuant to this section. At such time as the determination under this section has become final, the payment of benefits, if any are payable, shall not thereafter

be withheld solely because the same issue or issues which had become final in a determination hereunder are raised in an appeal involving an individual claimant.

(i) Nothing contained herein shall preclude an employer or a claimant from contesting the determination of the eligibility of an individual for benefits or his inclusion within one of the classes determined not to be disqualified or otherwise limit appeal rights specified in this part.

SEC. 8. Section 2768 of the Unemployment Insurance Code is amended to read:

2768. When any trainee has an unexpired benefit year for disability benefits at the time of induction into the armed forces, the unexpended balance of disability benefits remaining to his account shall be reestablished beginning with the first day of the first week succeeding the date of his termination of service. The balance shall be paid at a weekly rate in accordance with Section 2655. In the event the records relating to the unexpended balance have been destroyed under proper approval, the trainee may establish the unexpended balance by affidavit as provided by authorized regulation. Whenever this balance is exhausted the trainee may file a claim and his disability base period shall be determined in accordance with Sections 2770 and 2610 or Section 2611. All reestablished balances shall lapse 65 weeks after termination of military service.

SEC. 9. Section 3007 of the Unemployment Insurance Code is repealed.

SEC. 10. Section 3255 of the Unemployment Insurance Code is amended to read:

3255. When workers are engaged in an employment that normally involves working for several employers in the same industry interchangeably, and several employers or some of them cooperate to establish a plan for the payment of wages at a central place or places, and have appointed an agent under Section 1096, such agent, or a majority of workers regularly paid through such central place or places, or both, may apply to the director for approval of a voluntary plan for the payment of disability benefits applicable to all employees whose wages are paid at one or more such central place or places. The director shall approve any voluntary plan under this section as to which he finds that all of the following exist:

(a) The rights afforded to the covered employees are greater than those provided for in Chapters 2 and 3 of this part, and are separately stated and designated "unemployment compensation disability benefits" separate and distinct from other benefits, if any.

(b) The plan applies to all employees whose wages are paid at such central place or places with respect to all employment for which wages are paid at such central place or places.

(c) Seventy-five percent of the workers regularly paid at the central place or places have consented to the plan prior to the filing of the initial application for approval.

(d) If the plan provides for insurance the form of the insurance policies to be issued have been approved by the Insurance Commissioner and are to be issued by an admitted disability insurer.

(e) All employers paying wages through the central place or places have agreed to participate in the plan and the agent appointed under Section 1096 has agreed to make the payroll deductions required, if any, and transmit the proceeds to the plan insurer, if any.

(f) The plan provides for the inclusion of all future employees paid at the central place or places.

(g) The plan is to be in effect for a period of not less than one year and, thereafter, continuously unless the director finds that the agent or a majority of the employees regularly paid at the central place or places has given written notice of termination of the plan. Such notice shall be filed in writing with the director at least 30 days before it is to become effective and, upon the filing, shall be effective only as to wages paid after the beginning of the calendar quarter next occurring on or after the anniversary of the effective date of the plan; except that the plan may be terminated on the operative date of any law increasing the benefit amounts provided by Sections 2653, 2655, and 2801, if notice of the termination of the plan is transmitted to the director not less than 30 days prior to the operative date of such law. If the plan is not terminated on such 30 days notice because of the enactment of a law increasing benefits, the plan shall be amended to conform to such increase on the operative date of the increase.

(h) The amount of deductions from the wages of an employee in effect for any plan shall not be increased on other than an anniversary of the effective date of the plan except to the extent that any increase in the deductions from the wages of an employee allowed by Section 3260 permits such amount to exceed the amount of deductions in effect.

(i) The approval of the plan or plans will not result in a substantial selection of risks adverse to the Disability Fund.

SEC. 11. Section 10000 as added to the Unemployment Insurance Code by Chapter 308 of the Statutes of 1953 is amended and renumbered to read:

100000. The following acts and sections, together with all amendments thereof and all acts supplementary thereto, are hereby repealed:

General Laws

Year	Chapter	Page
1935	352	1226

Labor Code

Chapter 2 (comprising Sections 1680 and 1681) of Part 6, Division 2.

SEC. 12. Division 15 (commencing with Section 15000) of the Unemployment Insurance Code is repealed.

CHAPTER 292

An act to amend Section 51362 of the Water Code, relating to reclamation, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1969 Filed with Secretary of State June 30, 1969]

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

SECTION 1. Section 51362 of the Water Code is amended to read:

51362. The tax shall not exceed the rate of one dollar and fifty cents ($1.50) on each one hundred dollars ($100) of the value assessed on the county tax roll of all taxable land and improvements thereon within the district; except that in any district consisting of less than 100 acres and situated within the plan of improvement for flood control and other purposes on the lower San Joaquin River as adopted pursuant to Section 12651, a special tax may be levied at a rate not to exceed five dollars ($5) on each one hundred dollars ($100) of the value assessed on the county tax roll of all taxable land and improvements thereon within the district.

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

The expenses of maintaining and operating a pumping system and navigation gate vital to the economic health of the area affected during a wet year such as the state is now experiencing require that this act take effect immediately.

CHAPTER 293

An act to amend Sections 1572, 1573, 1574, and 2052 of, to add Sections 1603 and 2055 to, and to repeal Sections 1603 and 1604 of, the Probate Code, relating to fiduciaries

[Approved by Governor June 30, 1969 Filed with Secretary of State June 30, 1969]

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

SECTION 1. Section 1572 of the Probate Code is amended to read:

1572. When it appears (1) the ward is a nonresident and has a duly appointed, qualified and acting guardian, conservator, committee or comparable fiduciary in the state of his residence; (2) no proceeding for guardianship or conservatorship is pending or contemplated in this state; and (3) the ward owns property in this state which may be removed to the state

of the ward's residence, without conflict with any restriction or limitation thereupon, or impairing the right of the ward thereto or rights of creditors or claimants in this state, such property may be removed to the state of the ward's residence upon application of such nonresident guardian or other fiduciary to the superior court of the county in which the ward is or has been temporarily present or of the county in which the estate of the ward, or the principal part thereof, is situated.

SEC. 2. Section 1573 of the Probate Code is amended to read:

1573. Such application shall be made upon 10 days' notice, by mail or personal delivery, to the executor or administrator or other person in whose possession the property may be and to persons in this state, known to applicant, who are obligated to pay a debt, perform an obligation or issue a security to the ward or his estate, and upon such additional notice, if any, as the court may order. The nonresident guardian or other fiduciary shall produce and file a certificate, under the hand of the clerk and seal of the court from which his appointment was derived, showing: (1) a transcript of the record of his appointment; (2) that he has entered upon the discharge of his duties; and (3) that he is entitled, by the laws of the state of his appointment, to the possession of the estate of the ward; or shall produce and file a certificate, under the hand of the clerk and seal of the court having jurisdiction, in the state of his residence, of the estates of persons under guardianship, or of the highest court of such state, attested, in the case of a foreign country, by a minister, consul or vice consul of the United States, resident in such state, that, by the laws of such state, the applicant is entitled to the custody of the estate of his ward, without the appointment of any court.

SEC. 3. Section 1574 of the Probate Code is amended to read:

1574. Upon such application, unless good cause to the contrary is shown, the court shall make an order granting to such guardian or other fiduciary leave to remove the property of his ward to the state of his residence. Such order is authority to him to sue for and receive the property in his own name, for the use and benefit of his ward. Such order is a discharge of the executor, administrator or other person in whose possession the property may be at the time the order is made and of the person obligated to pay a debt, perform an obligation or issue a security to the ward or his estate, on filing with the clerk of the court the receipt therefor of the nonresident guardian or other fiduciary and transmitting a duplicate receipt, or a certified copy of such receipt, to the court from which such nonresident guardian or other fiduciary received his appointment.

SEC. 4. Section 1603 of the Probate Code is repealed.

SEC. 5. Section 1603 is added to the Probate Code, to read:

1603. The court in which guardianship proceedings are pending may transfer the proceedings to the superior court of any other county or to the appropriate court in any other state in which the ward resides at the time of the application for the transfer, and also may discharge the guardian, in the same manner and upon the same notice of hearing as is provided for conservatorships in Chapter 8 (commencing with Section 2051) of Division 5.

SEC. 6. Section 1604 of the Probate Code is repealed.

SEC. 7. Section 2052 of the Probate Code is amended to read:

2052. The court in which the proceeding is pending may transfer the proceeding to the superior court of any other county, or to the appropriate court in any other state in which the conservatee resides at the time of the application for the transfer. To obtain such transfer the conservator, or in the case of a transfer to another state, the conservator or the duly appointed and acting guardian, conservator, committee or comparable fiduciary in such other state, shall file in the court in which the proceeding is pending a verified petition setting forth.

1. The court and jurisdiction to which it is sought to transfer the proceedings;

2. The residence address of the conservatee;

3. A brief description of the character, value and location of the property of the conservatee;

4 The reasons for the transfer;

5. The names and residence addresses, so far as they are known to the petitioner, of the spouse and relatives of the conservatee within the second degree, and the conservator if the petitioner is other than the conservator;

6. In the case of the transfer to another state, competent evidence that there is a duly appointed and acting guardian, conservator, committee or comparable fiduciary in such other state.

SEC. 8. Section 2055 is added to the Probate Code, to read:

2055. Upon transfer to a court in any other state pursuant to this chapter, the court, upon the settlement of the final account of the conservator, shall order the conservatorship of the estate terminated and the conservator of the estate discharged upon the filing with the clerk of the court of the receipt of the remaining assets by the guardian, conservator, committee or comparable fiduciary in such other state. A copy of such final account and petition for discharge, together with a notice of the hearing thereof, shall be mailed to all persons required to be listed in the petition for transfer pursuant to Section 2052, and to the duly appointed and acting guardian, conservator, committee or comparable fiduciary in such other state, at least 30 days before the date of such hearing, unless such notice is waived.

CHAPTER 294

An act to amend Sections 253.1, 253.4, 253.5, 253.8, 263.3, 263.4, 263.8, 315, 360, 371, 374, 378, 379, 381, 391, 574 and 610 of, to add Sections 463 and 608 to, and to repeal Sections 403 and 486 of, the Streets and Highways Code relating to state highways, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 253.1 of the Streets and Highways Code is amended to read:

253.1. The California freeway and expressway system shall include:

Routes 5, 6, 7, 8, 10, 12, 13, 14, 15, 17, 18, 21, 22, 24, 28, 29, 30, 31, 32, 34, 37, 40, 44, 47, 48, 50, 52, 53, 54, 55, 56, 57, 59, 60, 61, 63, 64, 65, 67, 68, 70, 71, 73, 74, 78, 80, 81, 83, 85, 87, 88, 89, 90, 92, 93, 97, 100, 102, 106, 107, 108, 109, 118, 121, 122, 124, 125, 126, 133, 134, 136, 139, 140, 141, 143, 145, 148, 149, 150, 152, 154, 156, 157, 161, 163, 164, 170, 171, 179, 181, 183, 184, 199, 205, 208, 210, 217, 221, 223, 230, 232, 234, 235, 237, 238, 239, 242, 244, 247, 249, 251, 252, 256, 257, 258, 259, 280, 380, 405, 505, 580, 605, 680, 805 and 880 in their entirety.

SEC. 2. Section 253.4 of the Streets and Highways Code is amended to read:

253.4. The California freeway and expressway system shall also include:

Route 46 from Route 101 in San Luis Obispo County to Route 99 near Famoso.

Route 49 from:

(a) Route 41 near Oakhurst to Route 140 near Mariposa.

(b) Route 108 south of Jamestown to Route 108 near Sonora.

(c) Route 88 near Jackson to Route 50 near Placerville.

(d) Route 80 near Auburn to Route 20 near Grass Valley.

(e) Route 20 at Nevada City to Route 89 near Sattley.

(f) Route 89 near Sierraville to Route 70 near Vinton.

Route 58 from:

(a) Route 5 to Route 43.

(b) Route 43 to Route 99.

(c) Route 99 near Bakersfield to Route 15 near Barstow.

Route 62 from Route 10 near White Water to Route 247 near Yucca Valley.

Route 75 from Route 125 near Brown Field to Route 5 near the south end of San Diego Bay.

Route 76 from Route 5 near Oceanside to Route 15.

Route 77 from Route 580 in Oakland to Route 242 near Concord.

SEC. 3. Section 253.5 of the Streets and Highways Code is amended to read:

253.5. The California freeway and expressway system shall also include:

Route 79 from:

(a) Route 8 near Descanso to Route 78.

(b) Route 15 near Temecula to Route 10 near Beaumont.

Route 84 from:

(a) Route 1 to Route 35.

(b) Route 35 to Route 238 via the Dumbarton Bridge.

(c) Route 680 near Scotts Corners to Route 580.

(d) Route 580 to Route 4 near Brentwood.

(e) Route 4 near Antioch to Route 80 near Broderick.

Route 86 from Route 78 near Brawley to Route 10 near Indio.

Route 91 from Route 405 to Route 15 near Riverside.

Route 94 from Route 5 near San Diego to Route 54 near Jamacha Road.

Route 95 from Route 10 near Blythe to Route 40 near Needles.

Route 99 from:

(a) Route 5 south of Bakersfield to Route 80 in Sacramento.

(b) Route 5 in Sacramento to Route 20.

(c) Route 20 to Route 5 near Red Bluff.

Route 101 from:

(a) Route 5 near Seventh Street in Los Angeles to Route 241 in San Francisco.

(b) A point in Marin County opposite San Francisco to the Oregon state line north of Crescent City.

Route 105 from Route 405 to Route 605.

SEC. 4. Section 253.8 of the Streets and Highways Code is amended to read:

253.8. The California freeway and expressway system shall also include:

Route 207 from Route 152 west of Los Banos to Route 5.

Route 209 from Route 109 to Route 5 in San Diego.

Route 227 from Route 1 south of Oceano to Route 101 near Arroyo Grande

Route 299 from:

(a) Route 101 near Arcata to Route 5 at Redding.

(b) Route 5 at Redding to Route 395 at Alturas

Route 395 from:

(a) Route 15 near Cajon Pass to the Nevada state line.

(b) Nevada state line northwest of Reno to Route 36 near Johnstonville

(c) Route 36 near Termo to the Oregon state line.

Route 480 from Route 280 near Harrison Street in San Francisco to Bay Street and The Embarcadero.

SEC 5. Section 263.3 of the Streets and Highways Code is amended to read:

263 3. The state scenic highway system shall also include:

Route 5 from:

(a) The international boundary near Tijuana to Route 75 near the south end of San Diego Bay.

(b) San Diego opposite Coronado to Route 74 near San Juan Capistrano.

(c) Route 210 near Tunnel Station to Route 126 near Castaic.

(d) Route 152 west of Los Banos to Route 580 near Vernalis.

(e) Route 44 near Redding to the Shasta Reservoir.

(f) Route 89 near Mt. Shasta to Route 97 near Weed.

(g) Route 3 near Yreka to the Oregon state line near Hilts.

Route 8 from Route 5 in San Diego to Route 98 near Coyote Wells.

Route 9 from:

(a) Route 17 near Santa Cruz to Route 236 near Boulder Creek.

(b) Route 236 near Boulder Creek to Route 236 near Waterman Gap.

(c) Route 236 near Waterman Gap to Route 35.

(d) Saratoga to Route 17 near Los Gatos.

(e) Blaney Plaza in Saratoga to Route 35.

Route 10 from Route 38 near Redlands to Route 62 near White Water.

Route 12 from Route 101 near Santa Rosa to Route 121 near Sonoma.

Route 14 from Route 58 near Mojave to Route 395 near Little Lake.

Route 15 from:

(a) Route 76 near the San Luis Rey River to Route 71 near Murrieta.

(b) Route 74 near Romoland to Route 74 near Perris.

(c) Route 138 near Cajon Pass to Route 138 near Cajon Pass.

(d) Route 58 near Barstow to Route 127 near Baker.

Route 16 from Route 20 to Capay.

Route 17 from:

(a) Route 1 near Santa Cruz to Route 9 near Los Gatos.

(b) Route 37 near Nicasio to Route 1 near Point Reyes Station.

Route 18 from Route 138 near Mt. Anderson to Route 247 near Lucerne Valley.

Route 20 from:

(a) Route 1 near Fort Bragg to Route 101 near Willits.

(b) Route 101 near Calpella to Route 16.

(c) Route 49 near Grass Valley to Route 80 near Emigrant Gap.

Route 27 between Route 1 and Route 268.

Route 29 from:

(a) Route 37 near Vallejo to Route 121 near Napa.

(b) Route 221 near Napa to Route 20 near Upper Lake.

Route 30 from Route 106 near Highland to Route 18 near Running Springs.

Route 33 from:

(a) Route 101 near Ventura to Route 150.

(b) Route 150 to Route 166 in Cuyama Valley.
(c) Route 198 near Coalinga to Route 198 near Oilfields.
Route 36 from:
(a) Route 101 near Alton to Route 3 near Peanut.
(b) Route 89 near Morgan Springs to Route 89 near Deer Creek Pass.

SEC. 6. Section 263.4 of the Streets and Highways Code is amended to read:

263.4. The state scenic highway system shall also include:
Route 37 from:
(a) Route 17 near Nicasio to Route 101 near Novato.
(b) Route 101 near Ignacio to Route 29 near Vallejo.
Route 39 from Route 210 near Azusa to Route 2.
Route 41 from:
(a) Route 1 near Morro Bay to Route 101 near Atascadero.
(b) Route 46 near Cholame to Route 33.
(c) Route 49 near Oakhurst to Yosemite National Park.
Route 44 from:
(a) Route 5 near Redding to Lassen Volcanic National Park.
(b) Lassen Volcanic National Park to Route 89 near Old Station.
Route 46 from Route 101 near Paso Robles to Route 41 near Cholame.
Route 49 from:
(a) Route 41 near Oakhurst to Route 120 near Moccasin Creek.
(b) Route 120 to Route 20 near Grass Valley.
(c) Route 20 near Nevada City to Route 89 near Sattley.
Route 50 from Route 49 near Placerville to the Nevada state line near Lake Tahoe.
Route 58 from Route 14 near Mojave to Route 15 near Barstow.
Route 68 from Monterey to Route 101 near Salinas.
Route 70 from Route 149 near Wicks Corner to Route 89 near Blairsden.
Route 71 from:
(a) Route 15 to Route 91 near Corona.
(b) Route 91 near Corona to Route 83 north of Corona.

SEC. 7. Section 263.8 of the Streets and Highways Code is amended to read:

263.8. The state scenic highway system shall also include:
Route 198 from:
(a) Route 101 near San Lucas to Route 33 near Coalinga.
(b) Route 33 near Oilfields to Route 5.
(c) Route 99 near Goshen to the Sequoia National Park line.
Route 210 from Route 5 near Tunnel Station to Route 2 near La Canada.
Route 280 from:
(a) Route 92 near Crystal Springs Lake to Route 35 near San Andreas Lake.

(b) Route 480 in San Francisco to Route 80 near First Street in San Francisco.

Route 299 from:

(a) Route 101 near Arcata to Route 96 near Willow Creek.

(b) Route 3 near Weaverville to Route 5 near Redding.

(c) Route 89 near Burney to Route 139 near Canby.

Route 395 from Route 14 near Little Lake to Route 89 near Coleville.

Route 580 from Route 5 southwest of Vernalis to Route 205 near Tracy.

SEC. 8. Section 315 of the Streets and Highways Code is amended to read:

315. Route 15 is from:

(a) Route 5 in San Diego to Route 8.

(b) Route 8 to the Nevada state line near Calada via Temecula, San Bernardino, and Barstow and passing near Riverside.

SEC. 9. Section 360 of the Streets and Highways Code is amended to read:

360. Route 60 is from:

(a) Route 10 near the Los Angeles River in Los Angeles to Route 15 via Pomona and Riverside.

(b) Route 15 to Beaumont.

SEC. 10. Section 371 of the Streets and Highways Code is amended to read:

371. Route 71 is from:

(a) Route 210 to Route 91 via Pomona.

(b) Route 91 to Route 15.

(c) Route 15 near Temecula to Route 74 east of Anza.

SEC. 11. Section 374 of the Streets and Highways Code is amended to read:

374. Route 74 is from:

(a) Route 5 near San Juan Capistrano to Route 71.

(b) Route 71 to Route 15 near Perris.

(c) Route 15 near Perris to Route 10 near Indio.

SEC. 12. Section 378 of the Streets and Highways Code is amended to read:

378. Route 78 is from:

(a) Route 5 near Oceanside to Route 15 near Escondido.

(b) Route 15 near Escondido to Route 86 near Kane Springs passing near Ramona and Santa Ysabel and via Julian.

(c) Route 86 near Brawley to Route 10 near Blythe.

Notwithstanding the provisions of Section 89 of Chapter 1062, Statutes of 1959, the department shall proceed with the construction of the unconstructed portion of said route described in subdivision (c) between the easterly junction of Route 115 and the Imperial-Riverside county line with the lowest practical cost for a hard-surfaced road and as an interim project pending the later construction of the route to proper limited access standards The road shall be known and designated as the "Ben Hulse Highway."

SEC. 13. Section 379 of the Streets and Highways Code is amended to read:

379. Route 79 is from:

(a) Route 8 near Descanso to Route 78.

(b) Route 78 to Route 71.

(c) Route 15 near Temecula to Route 74 near Hemet.

(d) Route 74 near Hemet to Route 10 near Beaumont.

SEC. 14. Section 381 of the Streets and Highways Code is amended to read:

381. Route 81 is from Route 15 east of Riverside to Route 31 south of Devore.

SEC. 15. Section 391 of the Streets and Highways Code is amended to read:

391. Route 91 is from Route 1 near Hermosa Beach to Route 15 via Santa Ana Canyon.

SEC. 16. Section 403 of the Streets and Highways Code is repealed.

SEC. 17. Section 463 is added to the Streets and Highways Code, to read:

463. Route 163 is from San Diego to Route 15 near United States Naval Air Station, Miramar and westerly of Route 15.

SEC. 18. Section 486 of the Streets and Highways Code is repealed.

SEC. 19. Section 574 of the Streets and Highways Code is amended to read:

574. Route 274 is from Route 5 near Balboa Avenue to Route 15.

SEC 20. Section 608 is added to the Streets and Highways Code, to read:

608. Route 380 is from:

(a) Route 1 near Pacifica to Route 280 in San Bruno.

(b) Route 280 in San Bruno to Route 101 in the vicinity of the San Francisco International Airport.

(c) Route 101 in the vicinity of the San Francisco International Airport to Route 87.

SEC. 21. Section 610 of the Streets and Highways Code is amended to read:

610. Route 395 is from:

(a) Route 15 near Cajon Pass to the Nevada state line passing near Little Lake, Independence, Bridgeport, and Coleville.

(b) Nevada state line northwest of Reno to the Oregon state line near New Pine Creek via Alturas.

SEC. 22. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the Department of Public Works, for planning and mapping purposes, be able to make the necessary changes in highway designation as early as possible so as to conform with changes made by the federal government in the National System of Interstate and Defense Highways, it is necessary that this act take effect immediately.

CHAPTER 295

An act to amend Section 14 of the Orange County Flood Control Act (Chapter 723 of the Statutes of 1927), relating to the Orange County Flood Control District, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 14 of the Orange County Flood Control Act (Chapter 723 of the Statutes of 1927) is amended to read:

Sec. 14. The board of supervisors of said district shall have power, in any year, to levy a tax upon all taxable property in said district, to carry out any of the objects or purposes of this act, and to pay the cost and expenses of constructing, maintaining, operating, extending and repairing any work or improvements of said district for the ensuing fiscal year, and said tax shall be levied and collected at the same time and in the same manner as the general tax levy for county purposes, and the revenues derived from said tax shall be paid into the county treasury to the credit of the construction and maintenance fund of said district, and said board of supervisors shall have the power to control and order the expenditure thereof for said purposes; provided, however, that the maximum tax levied under this section for any one fiscal year shall not exceed twenty cents ($0.20) on each one hundred dollars ($100) of the assessed valuation of the taxable property in said district, exclusive of any tax levied to meet the bonded indebtedness of said district, and the interest thereon; except that for the fiscal year beginning July 1, 1969, and ending June 30, 1970, the maximum tax shall not exceed thirty cents ($0.30) on each one hundred dollars ($100) of the assessed valuation of the taxable property in said district, exclusive of any tax levied to meet the bonded indebtedness of said district, and the interest thereon. The maximum rate of tax for the district, exclusive of any tax levied to meet the bonded indebtedness of said district, and the interest thereon, may be changed by a majority vote of the qualified electors of the district at an election which may be called by ordinance by the board of supervisors on its own motion for that purpose. The board of supervisors shall determine whether the change shall remain in effect for a specified or unspecified period of time. The ballot used in the election shall contain substantially the words "Shall the proposed change in the maximum tax rate from _____ to _____, such rate to be in effect in the Orange County Flood Control District for the fiscal years 19__ through 19__, the revenues of which are to be used for the purposes of the District, be authorized?" or the words "Shall the proposed change in the maximum tax rate from _____ to _____, such rate to be in effect in the Orange

County Flood Control District for the fiscal years commencing 19__, the revenues of which are to be used for the purposes of the District, be authorized?" If, at any prior election held in the district, the maximum tax rate of the district was changed for a specified period of time, and if the election is called for the purpose of continuing in effect the previously authorized change in the maximum tax rate of the district, the ballot shall contain substantially the words "Shall the existing maximum tax rate of _____ be continued in the Orange County Flood Control District for the fiscal years 19__ through 19__, the revenues of which are to be used for the purposes of the District." Opposite such words in separate lines, the words "Yes" and "No" shall be printed with a voting square opposite each such word. Each voter shall stamp a cross in the voting square after the answer he desires to give. In all particulars not recited in the ordinance of the board of supervisors calling the election, such election shall be held as nearly as practicable in conformity with the general election laws of the state Out of the tax revenues of any fiscal year authorized by said maximum tax rate no amount in excess of an amount equal to ten cents ($0.10) on each one hundred dollars ($100) of the assessed valuation of the taxable property in the district shall be expended or appropriated for the purchase of water.

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:

Recent storms have demonstrated a need for new flood control works in the Orange County Flood Control District. The preservation of the public peace, health, and safety within the district require the immediate construction of such works. This act would authorize an increase in the district tax rate, thereby providing the funds needed to make possible the construction of such work, and it is therefore necessary that this act go into immediate effect.

CHAPTER 296

An act to amend Sections 10176 and 10176.1 of the Insurance Code, relating to disability insurance.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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, psychological,

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, 2948, 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 1969 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 297

An act relating to school district taxation.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. On April 9, 1968, an election was held in the San Leandro Unified School District and on November 5, 1968, an election was held in the Albany Unified School District to increase the maximum school district tax rate for the districts. The ballot measures in both elections listed, as one of the uses to which the increased taxes would be put, "adult education purposes." Several months after the elections, the districts were informed that the inclusion of this language in the tax override proposal ended the eligibility of the districts for the ten cents ($0.10) permissive tax rate increase for adult education purposes under Section 20802.8 of the Education Code.

The Legislature finds that the words "adult education purposes" were included in the ballot propositions to raise the minimum tax rate for the districts as one purpose for which the increased taxes were to be used without knowledge that it would result in the loss of certain taxes to the districts, that the increased tax rates were placed before the voters of the districts without an intent to cause the loss of certain taxes to the districts, and that, therefore, a general statute cannot be made applicable to the special circumstances in the San Leandro Unified School District and Albany Unified School District within the meaning of Article IV, Section 16, of the California Constitution.

SEC. 2. In the elections of April 9, 1968, and November 5, 1968, to increase the maximum rate of tax conducted in the San Leandro Unified School District and in the Albany Unified School District pursuant to Section 20803 of the Education Code in which the ballot statement of purposes to which the revenues of the increase were to be devoted set forth two or more purposes, the inclusion in such statement of the words "adult education purposes" shall not be construed as rendering inapplicable to the districts the increase in maximum tax rate afforded by Section 20802 8 of the Education Code.

CHAPTER 298

An act to amend Sections 9002, 9003, 9013, 17800, 17804 and 17841 of, and to repeal Section 9015 of, the Business and Professions Code, relating to professional licensing.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 9002 of the Business and Professions Code is amended to read:

9002. Two members of the board shall be state-licensed clinical 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. 2. Section 9003 of the Business and Professions Code is amended 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 since the expiration of the term for which he was appointed, 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. 3 Section 9013 of the Business and Professions Code is amended to read:

9013. The board shall have and use a seal bearing the words "The Social Worker and Marriage Counselor Qualifications Board."

SEC. 4. Section 9015 of the Business and Professions Code is repealed.

SEC. 5. Section 17800 of the Business and Professions Code is amended to read:

17800. After January 1, 1964, no person who engages in the business of marriage, family, or child counseling shall advertise himself as being, or performing the services of, a marriage, family, child, domestic, or marital consultant or adviser, nor in any way use these or any similar titles to imply that he performs these services without a license as provided by this chapter. Nothing in this chapter shall be construed to restrict, limit, or withdraw provisions of the Social Work Licensing Law, Medical Practices Act, or Psychology Licensing Act.

The provisions of this chapter shall not apply to any priest, rabbi, or minister of the gospel of any religious denomination, nor to any person who is licensed to practice medicine or admitted to practice law in this state, nor to any organization which is both a nonprofit and a charitable organization.

SEC. 6. 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 board.

(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. 7. 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 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 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.

CHAPTER 299

An act to amend Sections 3271 and 3800 of the Fish and Game Code, relating to birds.

[Approved by Governor June 30, 1969 Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 3271 of the Fish and Game Code is amended to read:

3271. For the proper administration of this article the state is divided into two zones, Zone A and Zone B.

(a) Zone A consists of the following areas:

Diamond Valley (Alpine County); that portion of the SE. ¼ of T. 12 N., R. 19 E. in Alpine County; the E. ½ of T. 11 N., R. 19 E.; that portion of T. 11 N., R. 20 E. in Alpine County; the N. ½ of T. 10 N., R. 20 E.

San Joaquin-Sacramento Valleys; commencing at the junction of State Highway 41 and the common boundary between Kern and Kings County northerly on Highway 41 to Kettleman City; thence due west approximately two miles to the 500 feet contour; thence northerly and westerly along said contour to where the 500 feet contour intersects Washoe Avenue; thence northerly along Washoe Avenue approximately thirteen miles to California Avenue (approximately two miles south and four miles west of the Town of Mendota); thence westerly along California Avenue approximately twelve miles to the 500 feet contour; thence northerly and westerly along said contour to range line between 10 E. and 11 E.; thence north along said range line to the Delta-Mendota Canal; thence northerly and westerly along said canal to the crossing of the Southern Pacific Railroad tracks (about five miles south of Byron); thence northwesterly along said railroad to its intersection with State Highway 4 at Brentwood; thence north and west along said State Highway 4 to its intersection with State Highway 84; thence along said State Highway 84 to the Sacramento-Contra Costa boundary line on the Antioch Bridge; thence westerly along the Sacramento-Contra Costa county boundary line to its intersection with the Solano county boundary; thence northeasterly along the Sacramento County-Solano County line to Cache Slough; thence northwesterly along the South bank of Cache Slough to Haas Slough; thence northerly along the south bank of Haas Slough to its intersection with the Sacramento Northern Railroad tracks; thence northeasterly along the Sacramento Northern Railroad tracks to Bunker Station; thence westerly along the Bunker Station-Binghampton Road to State Highway 113; thence northerly along State Highway 113 to Cooper School Road; thence westerly along Cooper School Road to Nut Tree Road; thence northwesterly along Nut Tree Road to Interstate Highway 80; thence southwesterly along Interstate Highway 80 to the range line between 1 W. and 2 W.; thence

north along said range line to the Pacific Gas and Electric Pit Vaca electrical transmission lines approximately six (6) miles north and east of the town of Capay; thence northwesterly along said transmission lines to the township line between 14 N. and 15 N.; thence west along said township line to the SW. corner of the E. ½ of T. 15 N., R. 4 W.; thence north along a line drawn to the NW. corner of the E. ½ of T. 20 N., R. 4 W.; thence east along the township line between 20 N. and 21 N. to the U.S. Bureau of Reclamation Shasta-Tracy westside electrical transmission lines, approximately four (4) miles northwest of the town of Artois; thence north and northwesterly along said transmission lines to the township line between T. 31 N. and T. 32 N; thence east on said township line to the range line between R. 3 W. and R. 2 W; thence south on said range line to U.S. Highway 99E (approximately SW. corner T. 27 N., R. 2 W.); thence southeasterly along 99E through Chico to Savona; thence southeasterly along the Oroville-Chico Highway to Oroville; thence southeasterly on the Oroville-Bangor Highway to Bangor on the section line between S. 27 and S. 28, T. 18 N., R. 5 E.; thence south on said section line to the township line between T. 18 N. and T. 17 N.; thence east on said township line to the range line between R 5 E and R 6 E; thence south on said range line to State Highway 20; thence easterly along said Highway 20 through Smartville to the common boundary between Nevada and Yuba Counties; thence south along this boundary to Placer County; thence east along the common boundary of Nevada and Placer Counties to the range line between R. 6 E. and R. 7 E.; thence south along said range line to the township line between T. 11 N. and T. 10 N.; thence east along this township line to the common boundary between Placer and El Dorado Counties; thence south along said boundary to the common boundary between Sacramento and El Dorado Counties; thence southeasterly along said boundary between Sacramento and El Dorado Counties, Sacramento and Amador Counties, San Joaquin and Amador Counties, San Joaquin and Calaveras Counties, Stanislaus and Calaveras Counties, Stanislaus and Tuolumne Counties, to Tuolumne River; thence a southwesterly direction following said river approximately ten (10) miles to Roberts Ferry Road in section 35, T. 3 S., R. 12 E.; thence a southerly direction following said road approximately one (1) mile to Lake Road in section 2, T. 4 S., R. 12 E.; thence a westerly direction following said road approximately one and one-half (1½) miles to Hawkins Road; thence a southerly direction following said road approximately four and one-half (4½) miles to Keyes Road; thence an easterly direction following said road approximately two and one-half (2½) miles to common boundary of Merced and Stanislaus Counties, section 25, T. 4 S., R. 12 E.; thence a northeasterly direction along said common boundary approximately twelve and one-half (12½) miles to junction with existing Zone A & B line

between Merced and Mariposa Counties, section 36, T. 3 S., R. 14 E. to Madera County; thence southwest on the common boundary of Merced and Madera Counties to the Madera Canal; thence southeasterly along said canal to State Highway 41; thence southerly on State Highway 41 to Highway 99; thence southeast along Highway 99 to the State Highway 43; thence south along the State Highway 43 to State Highway 198; thence east on State Highway 198 to the junction of State Highway 198 and Highway 99; thence southeast along Highway 99 to the common boundary between Tulare and Kern Counties; thence west along the Kern county line to point of beginning.

The Zone A areas in the remainder of the state are:

Humboldt Bay area (Humboldt County); commencing at False Cape northerly along ocean shore to Trinidad Head; thence southeasterly on a line drawn to the Town of Crannell; thence to Fieldbrook; thence to Korbel, thence to Freshwater; thence to Falk; thence to Fernbridge; thence to Carlotta; thence to Rio Dell; thence to False Cape the point of beginning.

Scott Valley (Siskiyou County); the SE. $\frac{1}{4}$ of T. 44 N., R. 10 W.; the S. $\frac{1}{2}$ of T. 44 N., R. 9 W.; all of T. 43 N., R. 9 W.; the NE. $\frac{1}{4}$ of T. 43 N., R. 10 W.; all of T. 42 N., R. 9 W.; the E. $\frac{1}{2}$ of T. 41 N., R. 9 W. This includes the Towns of Etna, Greenview, and Fort Jones.

Shasta Valley (Siskiyou County); the SW. $\frac{1}{4}$ of T. 46 N., R. 5 W.; the SE. $\frac{1}{4}$ of T. 46 N., R. 6 W.; the NW. $\frac{1}{4}$ of T. 45 N., R 5 W.; the S. $\frac{1}{2}$ of T. 45 N., R. 5 W.; all of T. 45 N., R. 6 W.; the E. $\frac{1}{2}$ of T. 45 N., R. 7 W.; all of T. 44 N., R. 5 W., and all of T. 44 N., R. 6 W.; the NE. $\frac{1}{4}$ of T. 44 N., R. 7 W.; all of T. 43 N., R. 5 W., and all of T. 43 N., R. 6 W.; all of T. 42 N., R. 5 W.; the N. $\frac{1}{2}$ of T. 42 N., R. 6 W. This includes the Towns of Edgewood, Gazelle, Yreka, and Montague.

Tulelake area (Siskiyou and Modoc Counties); commencing at the intersection of the Mt. Diablo meridian with the Oregon-California state line; thence easterly along said state line to the range line between R. 6 E and R. 7 E.; thence southerly along said range line to the township line between T. 45 N. and T. 46 N.; thence westerly along said township line to the Mt Diablo meridian; thence north along the Mt. Diablo meridian to the point of beginning.

Pit River Valley (Modoc and Lassen Counties); the W. $\frac{1}{2}$ of T. 45 N., R. 14 E; all of T. 45 N., R. 13 E.; the W. $\frac{1}{2}$ of T. 44 N., R. 14 E.; all of T. 44 N., R. 13 E.; the S. $\frac{1}{2}$ of T. 44 N., R. 12 E.; the E. $\frac{1}{2}$ of T. 44 N., R. 11 E.; all of T. 43 N., R. 13 E; all of T. 43 N., R. 12 E; all of T. 42 N., R. 13 E.; all of T. 42 N., R. 12 E., and all of T. 42 N., R. 11 E.; the S. $\frac{1}{2}$ of T. 42 N., R. 10 E.; the SE. $\frac{1}{4}$ of T. 42 N., R. 9 E.; all of T. 41 N., R. 13 E.; all of T. 41 N., R. 12 E., and of T. 41 N., R. 11 E.; the N. $\frac{1}{2}$ of T. 41 N., R. 10 E.; the NE. $\frac{1}{4}$ of T. 41 N., R. 9 E.; all of T. 40 N., R. 13 E; the E. $\frac{1}{2}$ of T. 40 N., R. 12 E.; all of T. 39 N., R. 13 E.; the E. $\frac{1}{2}$ of T. 39 N., R. 12 E.

This includes the Towns of Canby, Alturas, Davis Creek, and Likely.

Surprise Valley (Modoc County); all that portion of Surprise Valley lying in Modoc County below the 5,000 feet contour.

Lookout-Bieber area (Modoc and Lassen Counties); commencing at the town of Adin (Modoc County) south on Adin-Eagle Lake County Road to the boundary of the Modoc National Forest (approximately 6 5 miles south of Adin); thence westerly and southerly along said forest boundary to the township line between T. 36 N. and T. 37 N.; thence west along said township line to the Great Northern Railroad; thence northerly along said railroad to the township line between T. 37 N. and T. 38 N.; thence westerly along said township line to the range line between R. 6 E. and R. 7 E.; thence north along said range line to the township line between T. 39 N. and T. 40 N; thence east along said township line to the range line between R. 7 E. and R. 8 E.; thence south along said range line to the Lookout-Adin County Road; thence easterly along said county road to Adin, the point of beginning. This includes the Towns of Nubieber, Bieber, Lookout, and Adin.

McArthur area (Lassen County); all of T. 38 N., R. 5 E. and T. 38 N., R. 4 E.; the E. ½ of T. 38 N., R. 3 E.; all of T. 37 N., R. 5 E; the E. ½ of T. 37 N., R. 4 E This includes the Towns of Dana, Pittville, McArthur, and Fall River Mills.

Honey Lake area (Lassen County); commencing at the point where the Southern Pacific Railroad intersects the California-Nevada state line in T. 27 N., R. 17 E; thence southerly along said state line to where the township line between T. 24 N. and T. 25 N. intersects said state line; thence westerly along the township line between T. 24 N. and T. 25 N. to the Plumas National Forest boundary; thence northerly and westerly along Plumas National Forest boundary to its intersection with the range line between R 11 E. and R. 12 E.; thence northerly along said range line to the township line between T 30 N and T. 31 N; thence easterly along said township line to the range line between R. 13 E. and R. 14 E.; thence southerly along said range line to the township line between T. 29 N. and T. 30 N.; thence easterly along said township line to the Southern Pacific Railroad; thence southerly along said railroad through the Town of Wendel; thence southerly and easterly along said railroad to the point of beginning.

Indian Valley (Plumas County); the SW. ¼ of T. 27 N., R 11 E.; the S. ½ of T. 27 N., R. 10 E.; the SE. ¼ of T. 27 N., R. 9 E.; the W. ½ of T. 26 N., R. 11 E.; T. 26 N., R. 10 E.; the E. ½ of T. 26 N., R. 9 E. This includes the Towns of Greenville, Crescent Mills and Taylorsville.

Sierra Valley (Sierra and Plumas Counties); the S. ½ of T. 23 N., R 16 E.; the S. ½ of T 23 N., R. 15 E.; the S. ½ of T. 23 N., R. 14 E.; the S. ½ of T. 23 N., R. 13 E.; T. 22 N., R.

16 E.; T. 22 N., R. 15 E.; T. 22 N., R. 14 E.; T. 22 N., R. 13 E.; T. 22 N., R. 12 E.; T. 21 N., R. 14 E.; T. 21 N., R. 15 E.; the W. ½ of T. 21 N., R. 16 E.; T 20 N., R. 14 E.; the W. ½ of T. 20 N., R. 15 E. This includes the Towns of Blairsden, Portola, Vinton, Loyalton, Sierraville, and Calpine.

Clubs licensed in the above area shall be known as Zone A licensees.

(b) Zone B comprises the remainder of the state, and clubs licensed in this area shall be known as Zone B licensees.

SEC. 2. Section 3800 of the Fish and Game Code is amended to read:

3800. Nonprotected birds are:

(a) English sparrows (Passer domesticus); crows (Corvus brachyrhynchos); American or black-billed magpies (Pica pica hudsonia); California or scrub jays (Aphelocoma californica); Steller's or crested jays (Cyanocitta stelleri); and starlings (Sturnus vulgaris).

(b) Yellow-billed magpies (Pica nuttalli)

The provisions of subdivision (b) of this section shall be applicable only in those districts or parts of districts within a county whose board of supervisors, by resolution, has declared that, based only upon crop damage, such provisions are desirable for the county, and shall be in effect until the 61st day after adjournment of the 1971 Regular Session of the Legislature and thereafter shall have no force or effect.

CHAPTER 300

An act to add Section 24008.5 to the Vehicle Code, relating to the modification of vehicles.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 24008.5 is added to the Vehicle Code, to read:

24008.5. An "unsafe condition" within the meaning of Section 24002 includes, but is not limited to, the raising of the center of gravity or other modification of a vehicle so as to unsafely affect its operation or stability.

CHAPTER 301

An act to amend Section 1773.4 of the Labor Code, relating to prevailing wages on public works.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 1773.4 of the Labor Code is amended to read:

1773.4. Any prospective bidder or his representative, any representative of any craft, classification or type of workman involved, or the awarding body may, within 20 days after commencement of advertising of the call for bids by the awarding body, file with the Director of Industrial Relations a verified petition to review the determination of any such rate or rates upon the ground that they have not been determined in accordance with the provision of Section 1773 of this code. Within two days thereafter, a copy of such petition shall be filed with the awarding body. The petition shall set forth the facts upon which it is based. The Director of Industrial Relations or his authorized representative shall, upon notice to the petitioner, the awarding body and such other persons as he deems proper, including the recognized collective bargaining representatives for the particular crafts, classifications or types of work involved, institute an investigation or hold a hearing. Within 20 days after the filing of such petition, or within such longer period as agreed upon by the director, the awarding body, and all the interested parties, he shall make a determination and transmit the same in writing to the awarding body and to the interested parties.

Such determination shall be final and shall be the determination of the awarding body. Upon receipt by it of the notice of the filing of such petition the body awarding the contract or authorizing the public work shall extend the closing date for the submission of bids or the starting of work until five days after the determination of the general prevailing rates of per diem wages pursuant to this section.

Upon the filing of any such petition, notice thereof shall be set forth in the next and all subsequent publications by the awarding body of the call for bids. No other notice need be given to bidders by the awarding body by publication or otherwise. The determination of the director shall be included in the contract.

CHAPTER 302

An act to add Section 776 to the Insurance Code, relating to insurance.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 776 is added to the Insurance Code, to read:

776. No person who sells real property shall require, as a condition precedent to the sale of such real property, that the person buying the real property negotiate any insurance or renewal thereof covering such property through a particular insurance agent, insurance broker, or insurance solicitor.

CHAPTER 303

An act to amend Section 24352.5 of the Health and Safety Code, relating to air pollution.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 24352.5 of the Health and Safety Code is amended to read:

24352.5. Each member of the board shall receive the actual and necessary expenses incurred by him in the performance of his duties, and may receive compensation to be determined by the board not to exceed fifty dollars ($50) for each day attending the meetings of the board, but such compensation shall not exceed one thousand two hundred dollars ($1,200) in any one year.

CHAPTER 304

An act to amend Section 10423 of the Agricultural Code, relating to brucellosis eradication.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 10423 of the Agricultural Code is amended to read:

10423. Indemnity provided by this article shall not be paid in any of the following cases:

(a) For any bovine animal which reacts to the brucellosis test or shows active brucellosis prior to or at slaughter. In this case, the indemnity rate which is provided in Section 10405 shall apply.

(b) For any bovine animal, unless all exposed cattle, swine, goats, sheep, and horses on the premises are slaughtered.

(c) For any bovine animal, until the premises where the animal has been kept have been cleaned and disinfected by the owner in a manner which is approved by an agent of the department or of the United States Department of Agriculture.

(d) For any steer or grade bull.

(e) For any animal which is owned by the United States, this state, or any county or city in the state.

(f) If the owner is in violation of any provision of this chapter or any regulation which is made by the department that relates to bovine brucellosis.

(g) For any animal which is not slaughtered within 30 days after such animal is appraised.

(h) For any bovine animal which originated in another state or country that has not been in this state for at least 90 days.

CHAPTER 305

An act to add Section 986.36 to the Military and Veterans Code, relating to veterans farm and home purchases.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 986.36 is added to the Military and Veterans Code, to read:

986.36. Notwithstanding other provisions of this article relating to the occupancy, leasing, letting, or subletting of a farm or home acquired pursuant to this article, the department, with respect to any veteran who after consummating a purchase of a farm or home under this article and occupying such farm or home reenters the active military, naval, or air service of the United States, may waive the occupancy requirement for the period of such active service and for a reasonable period subsequent to the termination of such active service and consent to the leasing, letting, or subletting of the farm or home during such period or periods

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CHAPTER 306

An act to amend Section 1756 of the Health and Safety Code, relating to emergency medical care committees.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 1756 of the Health and Safety Code is amended to read:

1756. Every emergency medical care committee shall, at least annually, report to the Health Planning Council, the state department, and the areawide comprehensive health planning agency for its area its observations and recommendations relative to its review of the ambulance services, emergency medical care, and first aid practices in that county. The emergency medical care committee shall submit its observations and recommendations to the county board or boards of supervisors which it serves for comment only.

CHAPTER 307

An act to amend Section 53854 of the Government Code, relating to temporary borrowing.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 53854 of the Government Code is amended to read:

53854. Any note issued under this article may be negotiable, may be payable to order or to bearer, may be in any denomination, shall be payable not later than the last day of the fiscal year in which it is issued, and may bear interest not to exceed 7 percent per annum, payable as provided therein. Such interest may be represented by coupons attached to said note.

CHAPTER 308

An act to amend Sections 9831 and 9841 of the Business and Professions Code, relating to the registration and regulation of electronic repair dealers.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 9831 of the Business and Professions Code is amended to read:

9831. Upon receipt of the form properly filled out and receipt of the required fee, the director shall, provided the applicant is of good moral character, validate the registration and send a proof of such validation to the service dealer. The director shall by regulation prescribe conditions upon which a person whose registration has previously been invalidated or has previously been refused validation, may have his registration validated.

For the purpose of this section and Section 9841, a person lacks good moral character only if he would represent a potential danger to persons or property while in a private home.

SEC. 2. Section 9841 of the Business and Professions Code is amended to read:

9841. (a) The director may refuse to validate, or may invalidate temporarily or permanently the registration of a service dealer for any of the following acts or omissions done by himself or any employee, partner, officer, or member of the service dealer and related to the conduct of his business:

(1) Making or authorizing any statement or advertisement which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.

(2) Making any false promises of a character likely to influence, persuade, or induce a customer to authorize the repair, service, or maintenance of the equipment covered by this chapter.

(3) Acting for more than one customer in a transaction without the knowledge or consent of all parties thereto.

(4) Any other conduct which constitutes fraud or dishonest dealing.

(5) Conduct constituting gross negligence.

(6) Failure in any material respect to comply with the provisions of this chapter or regulations thereunder.

(b) The director may also refuse to validate, or may invalidate temporarily or permanently, the registration of a service dealer if the applicant or registrant, as the case may be, lacks good moral character as defined by Section 9831.

SEC. 3. It is the intent of the Legislature in enacting this act to deny access to private homes to those persons who would, while in the home, represent a potential danger to person or property.

CHAPTER 309

An act to amend Sections 29141 and 29141.1 of the Government Code, relating to county budgets.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 29141 of the Government Code is amended to read:

29141. The budget document in which the proposed and final budget, respectively, of the county are presented shall include, a special schedule showing the managerial budget of each service activity financed by a working capital fund established pursuant to the provisions of Section 25260 of this code. The schedule shall set forth expected operations of the activity in such detail for revenues and expenses as will adequately display the nature and the approximate size of its operations. Comparative data as prescribed in Section 29021 of this chapter shall be provided.

SEC. 2. Section 29141.1 of the Government Code is amended to read:

29141.1. The budget document in which the proposed and final budget, respectively, of the county are presented shall include a special schedule showing the budget of each service activity accounted for in an enterprise fund established pursuant to the provisions of Section 25261 of this code. The schedule shall set forth the expected operations of the activity in such detail for revenues and expenses as will adequately display the nature and the approximate size of its operation. Comparative data as prescribed in Section 29021 of this chapter shall be provided.

CHAPTER 310

An act to amend Sections 525 and 526 of the Welfare and Institutions Code, relating to juvenile justice commissions.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 525 of the Welfare and Institutions Code is amended to read:

525. In each county there shall be a juvenile justice commission consisting of not less than seven citizens Each person serving as a member of a probation committee immediately prior to September 15, 1961, shall be a member of the juvenile justice commission and shall continue to serve as such until such time as his term of appointment as a member of the probation committee would have expired under any prior provision of law. Upon a vacancy occurring in the membership of the commission and upon the expiration of the term of office of any member, a successor shall be appointed by the presiding judge of the superior court with the concurrence of the judge of the juvenile court or, in a county having more than one judge of the juvenile court, with the concurrence of the presiding judge of the juvenile court for a term of four years. When a vacancy occurs for any reason other than the expiration of a term of office, the appointee to fill such vacancy shall hold office for the unexpired term of his predecessor.

SEC. 2. Section 526 of the Welfare and Institutions Code is amended to read:

526. In lieu of county juvenile justice commissions, the boards of supervisors of two or more adjacent counties may agree to establish a regional juvenile justice commission consisting of not less than eight citizens, and having a sufficient number of members so that their appointment may be equally apportioned between the participating counties. The presiding judge of the superior court with the concurrence of the judge of the juvenile court or, in a county having more than one judge of the juvenile court, with the concurrence of the presiding judge of the juvenile court of each of the participating counties shall appoint an equal number of members to the regional justice commission and they shall hold office for a term of four years. Of those first appointed, however, if the number appointed be an even number, half shall serve for a term of two years and half shall serve for a term of four years and if the number of members first appointed be an odd number, the greater number nearest half shall serve for a term of two years and the remainder shall serve for a term of four years. The respective terms of the members first appointed shall be determined by lot as soon as possible after their appointment. Upon a vacancy occurring in the membership of the commission and upon the expiration of the term of office of any member, a successor shall be appointed by the presiding judge of the superior court with the concurrence of the judge of the juvenile court or, in a county having more than one judge of the juvenile court, with the concurrence of the presiding judge of the juvenile court of the county which originally appointed such vacating or retiring member. When a vacancy occurs for any reason other than the expiration of a term of office, the appointee shall hold office for the unexpired term of his predecessor.

CHAPTER 311

An act to amend Section 1987 of the Code of Civil Procedure and Section 1328 of the Penal Code, relating to subpoenas.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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 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.

SEC. 2. Section 1328 of the Penal Code is amended to read:

1328. A subpoena may be served by any person, but a peace officer must serve in his county any subpoena delivered to him for service, either on the part of the people or of the defendant, and must, without delay, make a written return of the service, subscribed by him, stating the time and place of service. The service is made by delivering a copy of the subpoena to the witness personally.

Whenever any peace officer designated in Section 830 is required as a witness before any court or magistrate in any action or proceeding in connection with a matter

regarding an event or transaction which he has perceived or investigated in the course of his duties, a subpoena requiring his attendance may be served either by delivering a copy to such peace officer personally or by delivering two copies to his immediate superior or agent designated by his immediate superior to receive such service. If service is made upon the immediate superior or agent designated by the immediate superior, the immediate superior or such agent shall deliver a copy of the subpoena to the peace officer as soon as possible and in no event later than such time as will enable the peace officer to comply with the subpoena.

If the immediate superior or his designated agent upon whom service is attempted to be made knows he will be unable to deliver a copy of the subpoena to the peace officer within such time as will allow the peace officer to comply with the subpoena, such immediate superior or agent may refuse to accept service of process and is excused from any duty, liability, or penalty arising in connection with such service, upon notifying the server of such fact.

If an immediate superior or his agent is tendered service of a subpoena less than five working days prior to the date of hearing, and he is not reasonably certain he can complete the service, he may refuse acceptance.

If an immediate superior or agent upon whom service has been made, subsequently determines that he will be unable to deliver a copy of the subpoena to the peace officer within such time as will allow the peace officer to comply with the subpoena, the immediate superior or agent shall notify the server or his office or agent not less than 48 hours prior to the hearing date indicated on the subpoena, and is thereby excused from any duty, liability, or penalty arising because of his failure to deliver a copy of the subpoena to the peace officer. The server, so notified, is therewith responsible for preparing the written return of service and for notifying the originator of the subpoena if required.

CHAPTER 312

An act to amend Sections 21801 and 21804 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 21801 of the Vehicle Code is amended to read:

21801. (a) The driver of a vehicle intending to turn to the left at an intersection or into public or private property, or an alley, shall yield the right-of-way to all vehicles which have approached or are approaching from the opposite direc-

tion and which are so close as to constitute a hazard at any time during the turning movement and shall continue to yield the right-of-way to such approaching vehicles until such time as the left turn can be made with reasonable safety.

(b) A driver having so yielded and having given a signal when and as required by this code may turn left and the drivers of all other vehicles approaching from the opposite direction shall yield the right-of-way.

SEC. 2. Section 21804 of the Vehicle Code is amended to read:

21804. The driver of a vehicle about to enter or cross a highway from any public or private property, or from an alley shall yield the right-of-way to all vehicles approaching on the highway.

CHAPTER 313

An act to amend Sections 3070, 3071, 3073, 3076, 3078, 3079, 3080, 3081, 3082, 3083, 3084, and 3096 of the Labor Code, relating to the California Apprenticeship Council.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 3070 of the Labor Code is amended to read:

3070. The Governor shall appoint a California Apprenticeship Council, composed of six representatives each from employer and employee organizations, respectively, geographically selected, and of two representatives of the general public. The Director of Industrial Relations and the state official who is in charge of trade and industrial education under authority of the State Board of Education shall also be members of the California Apprenticeship Council. The chairman shall be elected by vote of the California Apprenticeship Council. The terms of office of the members of the California Apprenticeship Council first appointed shall expire as designated by the Governor at the time of making the appointment: two representatives each of employers, employees, and the public representative shall serve until January 15, 1941. Two representatives each of the employers and employees shall serve until January 15, 1942. Thereafter each member shall serve for a term of two years. Any member appointed to fill a vacancy occurring prior to the expiration of the term of his predecessor shall be appointed for the remainder of said term. Each member of the council shall receive the sum of twenty dollars ($20) for each day of his actual attendance at meetings of the council, together with his actual and necessary traveling expenses incurred in connection therewith.

The terms of the five additional members provided by the amendment of this section at the 1955 Regular Session shall

expire, as designated by the Governor at the time of making the appointment, as follows: one additional representative each of employers, employees, and the additional public representative shall serve until January 15, 1957; and one additional representative each of employers and employees shall serve until January 15, 1958.

SEC. 2. Section 3071 of the Labor Code is amended to read:

3071 The California 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 California Apprenticeship Council shall meet quarterly at a designated date and special meetings may be held at the call of the chairman The California 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 California 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. 3. Section 3073 of the Labor Code is amended to read:

3073. The administrator, or his duly authorized representative shall administer the provisions of this chapter; act as secretary of the California Apprenticeship Council; cooperate in the formation of joint apprenticeship committees and advise with them on problems affecting labor standards; supervise and recommend apprenticeship agreements as to these standards and perform such other duties associated therewith as the California Apprenticeship Council may recommend.

SEC. 4. 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, appli-

cation 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 California 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. 5. Section 3078 of the Labor Code is amended to read:

3078. Every apprentice agreement entered into under this chapter shall contain:

(a) The names of the contracting parties.

(b) The date of birth of the apprentice.

(c) A statement of the trade, craft, or business which the apprentice is to be taught, and the time at which the apprenticeship will begin and end.

(d) A statement showing the number of hours to be spent by the apprentice in work and the number of hours to be spent in related and supplemental instruction, which instruction shall be not less than 144 hours per year, except as otherwise provided by those responsible under Section 3074 for related and supplemental instruction. Such exceptions shall be subject to the appeal procedures established in Sections 3081, 3082, 3083 and 3084. In no case shall the combined weekly hours of work and required related and supplemental instruction of the apprentice exceed the maximum number of hours of work prescribed by law for a person of the age and sex of the apprentice.

(e) A statement setting forth a schedule of the processes in the trade or industry divisions in which the apprentice is to be taught and the approximate time to be spent at each process.

(f) A statement of the graduated scale of wages to be paid the apprentice and whether the required schooltime shall be compensated.

(g) A statement providing for a period of probation of not more than 500 hours of employment and instruction extending

over not more than four months, during which time the apprentice agreement may be terminated by the local joint apprenticeship committee at the request in writing of either party, and providing that after such probationary period the apprentice agreement may be terminated by the administrator by mutual agreement of all parties thereto, or canceled by the administrator for good and sufficient reason.

(h) A provision that all controversies or differences concerning the apprentice agreement which cannot be adjusted locally, or which are not covered by collective bargaining agreement, shall be submitted to the administrator for determination as provided for in Section 3081.

(i) A provision that an employer who is unable to fulfill his obligation under the apprentice agreement may with approval of the administrator transfer such contract to any other employer, if the apprentice consents and such other employer agrees to assume the obligation of said apprentice agreement.

(j) Such additional terms and conditions as may be prescribed or approved by the California Apprenticeship Council, not inconsistent with the provisions of this chapter.

(k) A clause providing that there shall be no liability on the part of the other contracting party for an injury sustained by an apprentice engaged in schoolwork at a time when the employment of the apprentice has been temporarily or permanently terminated.

SEC. 6. Section 3079 of the Labor Code is amended to read:

3079. Every apprentice agreement under this chapter shall be approved by the local joint apprenticeship committee or the parties to a collective bargaining agreement or, subject to review by the council, by the administrator where there is no collective bargaining agreement or joint apprenticeship committee, a copy of which shall be filed with the California Apprenticeship Council. Every apprentice agreement shall be signed by the employer, or his agent, or by an association of employers, or an organization of employees, or a joint committee representing both, as provided in Section 3080, and by the apprentice, and if the apprentice is a minor, by the minor's parent or guardian. Where a minor enters into an apprentice agreement under this chapter for a period of training extending into his majority, the apprenticeship agreement shall likewise be binding for such a period as may be covered during the apprentice's majority.

SEC. 7. Section 3080 of the Labor Code is amended to read:

3080. For the purpose of providing greater diversity of training or continuity of employment, any apprentice agreement made under this chapter may in the discretion of the California Apprenticeship Council be signed by an association of employers or an organization of employees instead of by an individual employer. In such a case, the apprentice agreement shall expressly provide that the association of employers or organization of employees does not assume the obligation of an employer but agrees to use its best endeavors to

procure employment and training for such apprentice with one or more employers who will accept full responsibility, as herein provided, for all the terms and conditions of employment and training set forth in said agreement between the apprentice and employer association or employee organization during the period of each such employment. The apprentice agreement in such a case shall also expressly provide for the transfer of the apprentice, subject to the approval of the California Apprenticeship Council to such employer or employers who shall sign a written agreement with the apprentice, and if the apprentice is a minor, with his parent or guardian, as specified in Section 3079, contracting to employ said apprentice for the whole or a definite part of the total period of apprenticeship under the terms and conditions of employment and training set forth in the said agreement entered into between the apprentices and employer association or employee organization.

SEC. 8. Section 3081 of the Labor Code is amended to read:

3081. Upon the complaint of any interested person or upon his own initiative, the administrator may investigate to determine if there has been a violation of the terms of an apprentice agreement, made under this chapter, and he may hold hearings, inquiries, and other proceedings necessary to such investigations and determinations. The parties to such agreement shall be given a fair and impartial hearing, after reasonable notice thereof. All such hearings, investigations and determinations shall be made under authority of reasonable rules and procedures prescribed by the California Apprenticeship Council.

SEC. 9. Section 3082 of the Labor Code is amended to read:

3082. The determination of the administrator shall be filed with the California Apprenticeship Council. If no appeal therefrom is filed with the California Apprenticeship Council within 10 days after date thereof, as herein provided, such determination shall become the order of the California Apprenticeship Council. Any person aggrieved by any determination or action of the administrator may appeal therefrom to the California Apprenticeship Council, who shall hold a hearing thereon after due notice to the interested parties.

SEC. 10. Section 3083 of the Labor Code is amended to read:

3083. The decision of the California Apprenticeship Council as to the facts shall be conclusive if supported by the evidence and all orders and decisions of the California Apprenticeship Council shall be prima facie lawful and reasonable.

SEC. 11. Section 3084 of the Labor Code is amended to read:

3084. Any party to an apprentice agreement aggrieved by an order or decision of the California Apprenticeship Council may maintain appropriate proceedings in the courts on questions of law. The decision of the California Apprenticeship Council shall be conclusive if such proceeding is not filed within 30 days after the date of such order or decision.

SEC. 12. 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 California 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 314

An act to amend Sections 28405 and 28406 of the Corporations Code, relating to regulation of retirement systems.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 28405 of the Corporations Code is amended to read:

28405. (a) For the purpose of discovering violations of this division or securing information required by him, the commissioner may at any time investigate the affairs and examine the books, accounts, records and files used in the business of every company engaged in business as a retirement system, whether such company acts or claims to act under or without authority of this division. For the purposes of examination and investigation, the commissioner and his duly designated representatives shall have free access to the offices and places of business, books, accounts, papers, records, files, safes and vaults of all such companies.

(b) If the commissioner has not examined a retirement system or received a report therefrom pursuant to Section 28406 during any two consecutive calendar years, he shall request a report from such retirement system in accordance with Section 28406 or perform an examination.

(c) Nothing contained in this section, or in Section 28406 or 28408, shall be construed to limit or modify the exemptions specified in Chapter 2 (commencing with Section 28100) of this division

SEC. 2. Section 28406 of the Corporations Code is amended to read:

28406. (a) If requested by the commissioner, a retirement system shall submit to the commissioner, at such retirement system's own expense, an audit report containing audited financial statements prepared in accordance with generally accepted accounting principles covering the calendar year or, if such retirement system has an established fiscal year, then for such fiscal year, within 105 days after the close of such calendar or fiscal year, together with such other relevant information as the commissioner may require.

(b) A retirement system whose license has been surrendered or revoked shall, if requested by the commissioner, submit on or before 105 days after the effective date of such surrender or revocation, a closing audit report containing audited financial statements as of such effective date covering the period subsequent to the audited financial statements last submitted to the commissioner by such retirement system. Such report shall include the information required by the commissioner pursuant to subdivision (a) of this section and such other relevant information as the commissioner may require.

(c) Each retirement system shall make other special reports to the commissioner as the commissioner may from time to time require.

(d) The reports and audited financial statements referred to in subdivisions (a) and (b) shall include at least a balance sheet and a statement of income for the year ended on the the balance sheet date, together with such other relevant in-

formation as the commissioner may require, and shall be accompanied by a report, certificate, or opinion of an independent certified public accountant or independent public accountant. The audit shall be conducted in accordance with generally accepted auditing standards and the rules and regulations of the commissioner.

(e) If the report, certificate or opinion of the independent accountant furnished pursuant to subdivision (d) is in any way qualified, the commissioner may require the retirement system to take such action as he deems appropriate to permit an independent accountant to remove such qualification from such report, certificate or opinion.

(f) The commissioner may reject any financial statement, report, certificate or opinion filed pursuant to this section by notifying the retirement system of such rejection and the cause thereof. Within 30 days after the receipt of such notice, the retirement system shall correct such deficiency, and the failure so to do shall be deemed a violation of this division.

(g) The commissioner may by rule or regulation specify the form and content of the reports and financial statements required to be filed pursuant to this section, and may require that such reports and financial statements be verified by the retirement systems in such manner as he may prescribe.

CHAPTER 315

An act to add Section 55305 to the Water Code, relating to county waterworks districts

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 55305 is added to the Water Code, to read:

55305. The board of directors may fix the compensation of its members for their services as such directors not to exceed ten dollars ($10) per month.

CHAPTER 316

An act to amend Section 2 of the Orange County Flood Control Act (Chapter 723 of the Statutes of 1927), relating to the Orange County Flood Control District.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 2 of the Orange County Flood Control Act (Chapter 723 of the Statutes of 1927) is amended to read:

Sec. 2. The objects and purposes of this act are to provide for the control of the flood and storm waters of said district, and the flood and storm waters of streams that have their source outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining and causing to percolate into the soil within said district, or without such district, such waters, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters, the harbors, waterways, public highways and property in said district.

Said Orange County Flood Control District is hereby declared to be a body corporate and politic and as such shall have power:

1. To have perpetual succession.

2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To adopt a seal and alter it at pleasure.

4. To take by grant, purchase, gift, devise or lease, and to hold, use, enjoy, and to sell, lease, exchange, or dispose of real or personal property of every kind, within or without the district, necessary to the full exercise of its powers

5. To acquire or contract to acquire lands, rights-of-way, easements, privileges and property of every kind, and to construct, maintain and operate any and all works or improvements within or without the district necessary or proper to carry out any of the objects or purposes of this act, and to complete, extend, add to, repair or otherwise improve any works or improvements acquired by it as herein authorized.

6 To have and exercise the right of eminent domain, either within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to the same use by any district or other public corporation or agency or otherwise, and may condemn any existing works or improvements in said district now used to control flood or storm waters, or to conserve such flood or storm waters, or to protect any property in said district from damage from such flood or storm waters.

7. To incur indebtedness, and to issue bonds in the manner herein provided.

8. To cause taxes to be levied and collected for the purpose of paying any obligation of the district in the manner hereinafter provided.

9. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district, or any of the officers thereof, by this act.

10 To grant or otherwise convey to counties, cities and counties, cities or towns, easements for street and highway purposes, over, along, upon, in, through, across or under any

real property owned by said Orange County Flood Control District.

11. To remove, carry away and dispose of any rubbish, trash, debris or other inconvenient matter that may be dislodged, transported, conveyed or carried by means of, through, in, or along the works and structures operated or maintained hereunder and deposited upon the property of said district or elsewhere.

12. To lease, sell or dispose of any property (or any interest therein) whenever in the judgment of said board of supervisors said property, or any interest therein or part thereof, is no longer required for the purposes of said district, or may be leased, or included in community leases embracing adjoining lands, for any purpose (including leases for mining or extracting oil, gas, hydrocarbon substances or other minerals) without interfering with the use of the same for the purposes of said district, and whenever it appears that wells drilled upon private lands are draining or may drain oil, gas or other hydrocarbon substances from lands owned by the district and operations for the production of oil, gas or other hydrocarbons on such land owned by the district might interfere with the use of such land for the purposes of said district, to enter into agreements with the owners or operators of such wells for the payment of compensation to the district for such drainage in lieu of drilling offset wells upon such land owned by the district, and to pay any compensation received therefor into the general fund of said district and use the same for the purposes of this act; provided, however, that nothing herein shall authorize the board of supervisors, or other governing body of the district, or any officer thereof, to sell, lease or otherwise dispose of any water, water right, reservoir space or storage capacity, or any interest or space therein, except as hereinafter provided by Section 17 of this act; provided, however, that the district may grant to the United States of America, or any agency thereof authorized to accept and pay for such land, such parcels of land as lie within any channel, dam, or reservoir site, improved or constructed, in whole or in part, with federal funds, upon the payment to the district of the actual cost thereof as determined by the board of supervisors of the district. The district, by and through its board of supervisors, is hereby authorized to warrant and guarantee the title of all lands so transferred to the United States under the provisions of this section

13. To monitor, test, or inspect drainage, flood, storm, or other waters within the district for the purpose of recording determining, and reporting the quality of such waters to appropriate regional water quality control boards.

14 To assist the County of Orange and any city within the county in emergency operations to control or mitigate the effect of tides, waves, and ocean currents on the Orange County shoreline.

CHAPTER 317

An act to amend Section 31564 of the Government Code, relating to county retirement, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 31564 of the Government Code is amended to read:

31564. All officers and employees of any district who have become members of the association as provided in Section 31557, may be withdrawn by a resolution of the governing body declaring all of the district's employees withdrawn from the association; provided, the governing body has first received a written petition signed by a majority of its officers and employees requesting that the district's officers and employees be withdrawn from the association.

Upon the adoption of any resolution to withdraw its members, all accumulated contributions held in the association shall be refunded to the district's employees upon the effective date of their withdrawal and in the same manner as the accumulated contributions would be refunded upon the termination of their employment by the district.

Upon the adoption of any resolution to withdraw its members and where there are no existing retirees from the district, the district's contributions shall be refunded to the district, or shall, upon the election of and designation by the governing body of the district, be transferred to another public retirement system.

In the event of the transfer of district contributions to another public retirement system, the employee contributions shall also be transferred to the other public retirement system.

The effective date of withdrawal of any resolution adopted pursuant to this section shall be at the end of the calendar month during which such resolution is adopted.

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 provisions of this act to be available before the commencement of the 1969–70 fiscal year to employees of districts who wish to withdraw from an association formed under the County Employees Retirement Law of 1937, this act must take effect immediately.

CHAPTER 318

An act to amend Section 5473.9 of the Health and Safety Code, relating to sewer charges.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 5473.9 of the Health and Safety Code is amended to read:

5473.9. The tax collector may, in his discretion, issue separate bills for such charges and separate receipts for collection on account of such charges. The county shall be compensated for services rendered in connection with the levy, collection and enforcement of such charges for an entity other than the county in an amount to be fixed by agreement between the board of supervisors and the legislative body of the entity. The compensation shall not exceed five dollars ($5) for each account handled, or 1 percent of all money collected, whichever is greater. The compensation shall be paid into the county salary fund.

CHAPTER 319

An act to amend Section 27442 of the Government Code, relating to public administrators.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 27442 of the Government Code is amended to read:

27442. If the public administrator is salaried and all fees and charges allowed him are paid or turned over to the county, then all fees and charges incurred by him for the benefit of any estate in which the assets prove insufficient therefor are county charges.

CHAPTER 320

An act to add Section 1735.5 to the Insurance Code, relating to insurance.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 1735.5 is added to the Insurance Code, to read:

1735.5. An insurance agent, insurance broker, or surplus line broker may offset funds due an insured for return premiums on any policy against amounts due him from the same insured for unpaid premiums on the same or any other policy. Any insurer may pay return premiums to any agent or broker for such purpose. This section shall not invalidate an assignment of return premium made concurrently with policy issuance as security for financing such premium, nor the right of the assignee, or his assign, to enforce such assignment as a prior claim.

CHAPTER 321

An act to amend Section 34290 of the Health and Safety Code, relating to housing authorities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 34290 of the Health and Safety Code is amended to read:

34290. As an alternative to the appointment of five commissioners of the authority, the governing body of any county or city, at the time of the adoption of a resolution pursuant to Section 34240 of this chapter or at any time thereafter when it finds that the authority has failed to transact any business or exercise any of its powers for a period of more than two years, may declare itself to be the commissioners of the authority, in which case, all the rights, powers, duties, privileges and immunities, vested by this chapter in the commissioners of an authority, except as otherwise provided in this article, shall be vested in the governing body.

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

A critical need for housing exists in many counties and cities in this state. In many cases the existing housing authorities in these counties and cities have not exercised any powers or transacted any business of any kind for more than two years and have therefore failed to meet the problems of the housing shortage. Immediate statutory authorization is required to enable the governing bodies of these counties and cities to declare themselves to be the commissioners of the housing authorities and thereby begin to meet the problems of housing in their communities.

CHAPTER 322

An act to amend Sections 310, 4400, 4403, and 4404 of the Corporations Code, and to amend Section 12199 of the Government Code, relating to corporations.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 310 of the Corporations Code is amended to read:

310. The Secretary of State shall not file articles which set forth a name which is likely to mislead the public or which is the same as, or resembles so closely as to tend to deceive, any of the following:

(a) The name of a domestic corporation.

(b) The name of a foreign corporation which is authorized to transact business in this state.

(c) A name which is under reservation for another corporation.

Any applicant may, upon payment of the fee prescribed therefor in the Government Code, obtain from the Secretary of State a certificate of reservation of any name not prohibited by this section, and upon the issuance of the certificate the name stated therein shall be reserved for a period of 60 days. The Secretary of State shall not, however, issue certificates reserving the same name for two or more consecutive 60-day periods to the same applicant or for the use or benefit of the same person, partnership, firm or corporation; nor shall consecutive reservations be made by or for the use or benefit of the same person, partnership, firm or corporation of names so similar as to fall within the prohibitions of this section.

The use by a corporation of a name in violation of this section may be enjoined notwithstanding the filing of its articles by the Secretary of State.

SEC. 2. Section 4400 of the Corporations Code is amended to read:

4400. Any corporation organized or existing under the laws of this state, a plan of reorganization or arrangement of which, pursuant to any of the provisions of any applicable statute of the United States, as now existing or hereafter enacted, relating to reorganizations or arrangements of corporations, has been or shall be confirmed by the decree or order of a court of competent jurisdiction, has full power and authority to put into effect and carry out the plan and the decrees and orders of the court or judge relative thereto, and may take any proceeding and do any act provided in the plan or directed by such decrees and orders, without further action by its directors or shareholders. Such power and authority may be exercised, and such proceedings and acts may be taken, as may be directed by such decrees or orders, by the trustee or

trustees of such corporation appointed in the reorganization or arrangement proceedings (or a majority thereof), or if none is appointed and acting, by officers of the corporation designated by such court or judge in said proceedings, or by a master or other representative appointed by the court or judge, with like effect as if exercised and taken by unanimous action of the directors and shareholders of the corporation.

SEC. 3. Section 4403 of the Corporations Code is amended to read:

4403. Such certificate, agreement of merger, or other instrument shall be made, executed, and acknowledged, as may be directed by such decrees or orders, by the trustee or trustees appointed in the reorganization or arrangement proceedings (or a majority thereof), or if none is appointed and acting, by officers of the corporation, or by a master or other representative appointed by the court or judge, and shall certify that provision for the making of such certificate, agreement, or instrument is contained in a decree or order, identifying the same, of a court or judge having jurisdiction of a proceeding under the statute of the United States specified in Section 4400 for the reorganization or arrangement of such corporation.

SEC. 4. Section 4404 of the Corporations Code is amended to read:

4404. The provisions of this chapter shall cease to apply to such corporation upon the entry of a final decree in the reorganization or arrangement proceedings closing the case and discharging the trustee or trustees, if any.

SEC. 5. Section 12199 of the Government Code is amended to read:

12199. The fee for issuing a certificate of reservation of corporate name is four dollars ($4).

CHAPTER 323

An act to amend Section 10270 of, and to add Section 10270.2 to, the Insurance Code, relating to insurance.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 10270 of the Insurance Code is amended to read:

10270. (a) This chapter shall not apply to workmen's compensation insurance nor any policy of liability insurance with or without supplementary coverage therein, nor any policy or contract of reinsurance.

(b) This chapter shall apply to selected group disability insurance as defined in Section 10270.97, except insofar as it is exempted from Section 10401.

(c) This chapter shall apply to each of the types of insurance enumerated in this subdivision which insure more than one person, except to the extent each such type may be exempted from compliance with particular portions of this chapter by the provisions of this chapter relating to each such type of insurance.

Such types of insurance which insure more than one person and which are hereby exempted from subdivision (c) of Section 10310, subdivision (c) of Section 10320 (but family expense disability insurance only to the extent therein provided), and Section 10401 (but only to the extent in this chapter provided) are:

(1) Blanket insurance, as defined in Section 10270.2.

(2) Tuition refund insurance, as defined in Section 10270.1.

(3) Group disability insurance, as defined in Sections 10270.5, 10270 505, and 10270.57.

(4) Family expense disability insurance, as defined in Section 10270.7.

(5) Unemployment compensation disability insurance as defined in subdivision (f) of Section 10270.2.

SEC. 2. Section 10270.2 is added to the Insurance Code, to read:

10270.2. Blanket insurance is that form of insurance providing coverage for specified circumstances and insuring by description all or nearly all persons within a class of persons defined in a policy issued to a master policyholder, and not by specifically naming the persons covered (by certificate or otherwise, although a statement of the coverage provided may be given, or required by the policy to be given to persons eligible). The permitted types of blanket insurance are those where the blanket policy is issued to any of the following:

(a) A volunteer fire company providing benefits to members only in event of accident incurred while performing actions incident to such membership.

(b) A college, school, or other institution of learning, a school district or districts or school jurisdictional unit, or to the head, principal, or governing board of any such educational unit who or which shall be deemed the policyholder; providing benefits to students without necessarily any restriction as to activity, time, or place, or to teachers or employees while performing actions incident to special duties, such as at camps, at summer playgrounds, or during tours or excursions; and providing benefits to such students, teachers, or employees for death or dismemberment resulting from accident or for hospital, medical, surgical, drug, or nursing expenses resulting from accident or sickness.

(c) A proprietor or sponsor of an organized camping institution, who shall be deemed the policyholder, providing benefits to campers or persons responsible for their support for death or dismemberment resulting from accident, or for hospital, medical, surgical, or nursing expenses resulting from accident to such campers or arising out of sickness of such campers,

provided the accident or the first manifestation of such sickness occurs while such campers are in or on the buildings or premises of the camp institution, or being transported between their homes and the camp institution, or while at any other place as an incident to camp-sponsored activities or while being transported to, from, or between such places.

(d) To a newspaper, farm paper, magazine, or other periodical publication, which shall be deemed the policyholder, providing benefits for independent contractors, such as newsboys, dealers, distributors, wholesalers, or others engaged in the sale, distribution, collecting for, or other activities pertaining to, the marketing and delivery of such publications, including attendance at a coaching school or participation as a member of a trip organized, supervised, and sponsored as a reward for meritorious service, on account of loss resulting from accident or sickness, such benefit to be payable to such independent contractors or to their parents, guardians, or other persons responsible for their support.

When the premium for the insurance is paid by the person insured, he may, upon request, obtain from the insurer in certificate form a copy of the policy.

(e) Any religious, charitable, recreational, educational, athletic or civic organization, or branch thereof, which shall be deemed the policyholder, providing benefits to members, employees, or participants for death or dismemberment or for hospital, medical, surgical, or nursing expenses all resulting from accident incurred incident to specific hazards pertaining to any activity or activities or operations sponsored or supervised by such policyholder.

(f) To a policy issued on application of an employer, a majority of the employees in this state of an employer, or both, to pay the benefits afforded by a voluntary plan of unemployment compensation disability insurance. Notwithstanding the provisions of Section 10113, such policies may incorporate by reference any of the appropriate provisions of Part 2 (commencing with Section 2601) of Division 1 of the Unemployment Insurance Code and the authorized regulations of the Director of Employment.

A "blanket policy" is any disability policy of the nature herein described sold to any of the entities described in subdivision (a), (b), (c), (d), (e), or (f) of this section and providing coverage for any group of persons within permitted categories defined in the policy. Policies referred to in subdivision (f) shall comply with the provisions of this section specifically referring thereto. Policies referred to in subdivision (a), (b), (c), (d), or (e) may provide that the cost of the insurance coverage shall be borne by either the policyholder, or the individuals insured or their parents or guardians, payable through the policyholder. In the absence of a policy provision excluding coverage for otherwise covered individuals who have not individually enrolled with the policyholder and undertaken to pay all or a specified portion of the premium

allocable to such individual, such policy shall provide the described insurance for all who fall within the categories of covered individuals defined in the policy. Such policy may, but is not required to, contain provisions requiring a minimum number of participating persons or a minimum percentage of participation before the policy is effective. In the absence of such a provision coverage shall not be denied any individual otherwise eligible on those grounds.

No policies described in subdivision (a), (b), (c), (d), or (e) of this section shall be issued until approved as to substance and form by the commissioner. The commissioner may after notice and hearing promulgate such reasonable rules and regulations, relating to the substance, form, and issuance of such policies, as are necessary or desirable to preserve, insofar as applicable, standards as respects substance, form, and issuance comparable to the standards in such respects prescribed by this chapter and applicable to other types of disability policies, and to further the purpose or purposes for which such policies are to be issued.

No policies described in subdivision (f) shall be issued until approved as to form by the commissioner. The commissioner may after notice and hearing promulgate such reasonable rules and regulations, relating to the form and issuance of such policies, as do not affect the substance of the coverage, and as are necessary or desirable to preserve, insofar as applicable, standards as respects form and issuance comparable to the standards in such respects prescribed by this chapter and applicable to other types of disability policies, and to further the purpose or purposes for which such policies are to be issued. Notwithstanding the provisions of Section 10113, such policies may incorporate by reference any of the appropriate provisions of Part 2 (commencing with Section 2601) of Division 1 of the Unemployment Insurance Code and the authorized regulations of the Director of Employment.

CHAPTER 324

An act to amend Section 34306 of the Government Code, relating to the incorporation of cities.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 34306 of the Government Code is amended to read:

34306 The board shall cause its clerk to ascertain whether the petition is signed by the requisite number of qualified signers and whether it correctly describes the boundaries of the proposed city. The clerk shall report his findings to the board within 30 days.

Except to the extent that proof to the contrary has been submitted to him, the clerk in ascertaining whether the petition is signed by the requisite number of qualified signers shall assume that the assessees whose names appear on the last equalized assessment roll of the county are the qualified signers as herein defined. Proof of qualification as a signer, including the officer acting for and on behalf of a corporate owner, shall be in writing and, except for copies of instruments of title, shall be verified. The findings of the clerk shall be conclusive in the absence of fraud.

CHAPTER 325

An act to amend Section 18757 of the Business and Professions Code, relating to wrestling.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 18757 of the Business and Professions Code is amended to read:

18757. Neither the term "contest" or "match" shall be used in any written or printed advertising or on any tickets for any wrestling exhibition nor shall the term contest be used in any announcement regarding any wrestling exhibition by the club or person that is presenting the exhibition or by any person participating in the exhibition.

CHAPTER 326

An act to repeal Sections 431.6, 431.7, 431.8, and 431.9 of the Health and Safety Code, relating to health facilities and services.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 431.6 of the Health and Safety Code is repealed.

SEC. 2. Section 431.7 of the Health and Safety Code is repealed.

SEC. 3. Section 431.8 of the Health and Safety Code is repealed.

SEC. 4. Section 431.9 of the Health and Safety Code is repealed.

CHAPTER 327

An act to amend Sections 1900 and 1902 of the Financial Code, relating to bank examinations.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 1900 of the Financial Code is amended to read:

1900. The superintendent shall cause every bank, every foreign banking corporation doing business in this state, every trust company, and the trust department of every title insurance company doing a trust business to be examined at least once in each calendar year and whenever and as often as he shall deem it advisable. On each annual examination the superintendent shall inquire as to the condition and resources of the bank or foreign banking corporation, the mode of managing its affairs, the actions of its board of directors, the investment and disposition of its funds, the safety and prudence of its management, the security afforded its depositors and creditors, and whether its articles of incorporation and all applicable provisions thereof are being complied with and into such other matters as the superintendent may determine. The officers and employees of every bank, trust company, title company's trust department, and foreign banking corporation being examined shall exhibit to the examiners, on request, any or all of its securities, books, records, and accounts and shall otherwise facilitate the examination so far as it may be in their power.

SEC. 2. Section 1902 of the Financial Code is amended to read:

1902. The board of directors of every bank and of every trust company, or a committee thereof composed of at least three directors, none of whom is an officer of such bank or trust company, shall examine such bank or trust company at least once in each calendar year. No such examination shall be commenced within three months of the completion of the examination for the preceding year. Such examination shall show the actual financial condition of the bank or trust company and shall set forth such matters and shall be in such form as the superintendent may require. Such examination shall include an examination of the books, papers, and affairs of the bank and particularly of its loans and discounts and of the security given therefor. The board of directors may employ such assistance in making any examination as it deems necessary. Within 30 days after the examination is completed, a report thereof, verified by the directors who made it, shall be filed with the board of directors and thereafter shall be kept available for inspection by the superintendent.

SEC. 3. This act shall become operative on January 2, 1970.

CHAPTER 328

An act to amend Sections 12364 and 12365 of, and to add Section 12367 to, the Public Utilities Code, relating to municipal utility districts.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 12364 of the Public Utilities Code is amended to read:

12364. If the district maintains its own retirement fund, the retirement board shall have exclusive control of the administration, investment, and disbursement of such fund. Investment of the fund shall be subject to the terms, conditions, limitations, and restrictions imposed by the laws of this state upon savings banks in the making of investments by savings banks, provided, however, that in addition to such other investments as are authorized by this article, funds may be invested in an amount not exceeding 20 percent of the assets of the retirement fund in securities, whether or not such securities are expressly authorized by this article, and whether or not they qualify thereunder, in which in the informed opinion of the retirement board it is prudent to invest retirement funds. Cash may be deposited in any licensed national bank or banks in this state, or in any bank, banks, or corporations authorized or licensed to do a banking business and organized under the laws of this state.

SEC 2. Section 12365 of the Public Utilities Code is amended to read:

12365. In addition to such other investments as are authorized by this article, the retirement board may in its discretion under the advice of proper counsel invest the assets of the retirement fund 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 retirement fund, and that there are no arrears of dividend payments on its preferred stock;

(d) Such corporation has paid a cash dividend on its common stock in at least 8 of the 10 years next preceding the date of investment, and the aggregate net earnings available for dividends on the common stock of such corporation for the whole of such period have been equal to the amount of such dividends paid, and such corporation has paid an earned cash dividend in each of the last three years;

(e) Such investment in any one company may not exceed 5 percent of the common shares outstanding; and

(f) No single common stock investment, based on cost, may exceed 2 percent of the assets of the fund.

SEC. 3. Section 12367 is added to the Public Utilities Code, to read:

12367. The retirement board may authorize a trust company or a trust department of any state or national bank authorized to conduct the business of a trust company in this state or the Federal Reserve Bank of San Francisco or any branch thereof within this state, to act as custodian of any securities invested in by the retirement board. Any such bank or trust company may be authorized to collect the income from such securities or the proceeds of the sale thereof for the retirement board, and deposit said income or funds in the account of the retirement system. The compensation of such bank or trust company for such custodial services shall be fixed by agreement and shall be paid in the same manner and from the same funds as are other costs of administration of the retirement system. Securities of the retirement fund held by the custodian bank or trust company may be registered in the nominee name of the custodian or of the retirement system. The custodian bank or trust company shall make such disposition of the securities as the retirement board shall authorize. All such securities are at all times subject to the order of the retirement board.

CHAPTER 329

An act to amend Section 186 of, and to add Section 186.1 to, the Streets and Highways Code, relating to State Highway Fund expenditures, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969]

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

SECTION 1. Section 186 of the Streets and Highways Code is amended to read:

186. For general administration and for maintenance, the department and the commission shall be limited in expenditures, out of the money available each year in the State Highway Fund, to an amount not exceeding the net revenue derived from one and one-quarter cents ($0.0125), until June 30, 1970, and thereafter an amount not exceeding the net revenues derived from one cent ($0.01), per gallon tax on motor vehicle fuel and on the use of fuel under Part 3 (commencing with Section 8601) of Division 2 of the Revenue and Taxation Code. Of that amount the department shall expend such proportion as the commission determines is necessary for each of the following:

(a) General administration purposes.

(b) Maintenance of all state highways, including all traversable highways between the termini of and approximately on authorized state highway routes.

(c) Maintenance of highways in state parks.

SEC. 2. Section 186.1 is added to the Streets and Highways Code, to read:

186.1. Expenditures for insurance against and for payment of tort claims and judgments shall not be included among the class of expenditures subject to the limitations imposed by Section 186.

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:

Unprecedented storms occurring in mountain regions of this state have created unprecedented snow removal expenditures in order to keep major highway roads open to traffic. Such expenditures for snow removal will make it impossible for the Department of Public Works to carry out its responsibility for keeping roads open to traffic while staying within the limitations imposed by law upon such expenditures. It is necessary, therefore, that this act take effect immediately.

CHAPTER 330

An act to add Section 270 to the Health and Safety Code, relating to physically handicapped children, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1969. Filed with Secretary of State June 30, 1969.]

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

SECTION 1. Section 270 is added to the Health and Safety Code, to read:

270. A handicapped child placed for adoption, determined to be financially eligible for care at the time of placement, shall not be denied services pursuant to this article based upon the income of the adopting parents, nor shall the adopting parents be required to enter into any agreement to pay toward the costs of services authorized for such care. The provisions of this section shall only apply to physical handicaps present, and diagnosed, at the time of adoption. Residence, for the purposes of this section, shall be that of the adopting parents.

SEC. 2. This act shall become operative July 1, 1969.

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

The provisions of the section which is added to the Health and Safety Code by this act are presently in effect in Section 273 of the Health and Safety Code, which was enacted by Chapter 588 of the Statutes of 1968.

Section 273 will, however, be repealed on July 1, 1969 when the chapter in which Section 273 is contained is repealed by Chapter 1316 of the Statutes of 1968 which revises the law with respect to federally assisted state programs of services for handicapped children. When the bill which became Chapter 1316 of the Statutes of 1968 was prepared and considered by the Legislature, Chapter 588 of the Statutes of 1968 was not effective. In order that this act may become effective before July 1, 1969 and the many children in this state who are in need of care due to physical handicaps not be deprived after that date of much needed services, it is imperative that this act take effect immediately.

CHAPTER 331

An act to amend Section 17603.5 of, and to repeal Sections 17602, 17602.5, 17603, 17604, and 17605 of, the Education Code, relating to financial support of the public schools.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 17602 of the Education Code is repealed.

SEC. 2. Section 17602.5 of the Education Code is repealed.

SEC. 3. Section 17603 of the Education Code is repealed.

SEC. 4. Section 17603.5 of the Education Code is amended to read:

17603.5. The amounts computed as allowable to any school district for state equalization aid shall be reduced by fifty percent (50%) of miscellaneous funds, as defined in Section 17606. In no event shall the reduction exceed the total amount allowable as equalization aid to the school district for the fiscal year. For such purposes, miscellaneous funds, as defined in Section 17606, received by a unified school district, shall be allocated to the kindergarten and elementary, high school and junior college grades, respectively, on the basis of the proportion of the district's total average daily attendance in each such grade level, and the provisions of Section 17601 shall be applicable.

Should the amount of miscellaneous funds, as defined in Section 17606, actually received by a school district for any fiscal year be more or less than that reported to the Superintendent of Public Instruction, the Superintendent of Public Instruction shall during the fiscal year next succeeding withhold from or add to the apportionment made to the district from the State School Fund the amount of the excess or deficiency in the apportionment of state equalization aid from the State School Fund for the preceding year, if the amount of the excess or deficiency in such apportionment was one hundred dollars ($100) or more.

SEC. 4.5. Section 17604 of the Education Code is repealed.

SEC. 5. Section 17605 of the Education Code is repealed.

SEC. 6. This act shall be deemed to be operative for the entire 1969–1970 fiscal year as though it had been enacted into law and became operative on July 1, 1969. 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.

It is the intent of the Legislature in enacting this act to comply with Section 305 of Public Law 90-576 at the earliest possible date consistent with sound fiscal management and it is further the intent of the Legislature that funds received by a local educational agency pursuant to Public Law 81-874 not be taken into account in any way, during the 1969–1970 fiscal year or thereafter, for purposes of computing or apportioning state aid to the public schools.

CHAPTER 332

An act to amend Sections 4107 and 4110 of, and to add Section 4107.5 to, the Government Code, relating to subcontractors.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 4107 of the Government Code is amended to read:

4107. No prime contractor whose bid is accepted shall:

(a) Substitute any person as subcontractor in place of the subcontractor listed in the original bid, except that the awarding authority may, except as otherwise provided in Section 4107.5, consent to the substitution of another person as a subcontractor;

(1) When the subcontractor listed in the bid after having had a reasonable opportunity to do so fails or refuses to execute a written contract, when such written contract, based upon the general terms, conditions, plans and specifications for the project involved or the terms of such subcontractor's written bid, is presented to him by the prime contractor,

(2) When the listed subcontractor becomes a bankrupt or insolvent, or,

(3) When the listed subcontractor fails or refuses to perform his subcontract, or

(4) When the listed subcontractor fails or refuses to meet the bond requirements of the prime contractor as set forth in Section 4108, or

(5) When the prime contractor demonstrates to the awarding authority, subject to the further provisions set forth in Section 4107.5, that the name of the subcontractor was listed as the result of an inadvertent clerical error, or

(6) When the listed subcontractor is not licensed pursuant to the Contractors License Law, or

(7) When the awarding authority determines that the work performed by the listed subcontractor is substantially unsatisfactory and not in substantial accordance with the plans and specifications, or that the subcontractor is substantially delaying or disrupting the progress of the work.

Prior to approval of the prime contractor's request for such substitution the awarding authority shall give notice in writing of at least three working days to the listed subcontractor of a hearing on the prime contractor's request to substitute and of the reasons for such request. Such notice shall be served by certified or registered mail to the last known address of such subcontractor.

(b) Permit any such subcontract to be voluntarily assigned or transferred or allow it to be performed by anyone other

than the original subcontractor listed in the original bid, without the consent of the awarding authority.

(c) Other than in the performance of "change orders" causing changes or deviations from the original contract, sublet or subcontract any portion of the work in excess of one-half of 1 percent of the prime contractor's total bid as to which his original bid did not designate a subcontractor.

SEC. 2. Section 4110 of the Government Code is amended to read:

4110. A prime contractor violating any of the provisions of this chapter violates his contract and the awarding authority may exercise the option, in its own discretion, of (1) canceling his contract or (2) assessing the prime contractor a penalty in an amount of not more than 10 percent of the amount of the subcontract involved, and this penalty shall be deposited in the fund out of which the prime contract is awarded. In any proceedings under this section the prime contractor shall be entitled to a public hearing and to five days' notice of the time and place thereof.

SEC. 3. Section 4107.5 is added to the Government Code, to read:

4107.5. The prime contractor as a condition to assert a claim of inadvertent clerical error in the listing of a subcontractor shall within two working days after the time of the prime bid opening by the awarding authority give written notice to the awarding authority and copies of such notice to both the subcontractor he claims to have listed in error and the intended subcontractor who had bid to the prime contractor prior to bid opening.

Any listed subcontractor who has been notified by the prime contractor in accordance with the provisions of this section as to an inadvertent clerical error shall be allowed six working days from the time of the prime bid opening within which to submit to the awarding authority and to the prime contractor written objection to the prime contractor's claim of inadvertent clerical error. Failure of such listed subcontractor to file such written notice within the six working days shall be primary evidence of his agreement that an inadvertent clerical error was made.

The awarding authority shall, after a public hearing as provided in Section 4107 and in the absence of compelling reasons to the contrary, consent to the substitution of the intended subcontractor:

(a) If (1) the prime contractor, (2) the subcontractor listed in error and (3) the intended subcontractor each submit an affidavit to the awarding authority along with such additional evidence as the parties may wish to submit that an inadvertent clerical error was in fact made, provided that the affidavits from each of the three parties are filed within eight working days from the time of the prime bid opening, or

(b) If such affidavits are filed by both the prime contractor and the intended subcontractor within such specified time but

the subcontractor whom the prime contractor claims to have listed in error does not submit within six working days, to the awarding authority and to the prime contractor, written objection to the prime contractor's claim of inadvertent clerical error as provided in this section.

If such affidavits are filed by both the prime contractor and the intended subcontractor but the listed subcontractor has, within six working days from the time of the prime bid opening, submitted to the awarding authority and to the prime contractor written objection to the prime contractor's claim of inadvertent clerical error, the awarding authority shall investigate the claims of the parties and shall hold a public hearing as provided in Section 4107 to determine the validity of such claims. Any determination made shall be based on the facts contained in the declarations submitted under penalty of perjury by all three parties and supported by testimony under oath and subject to cross-examination. The awarding authority may, on its own motion or that of any other party, admit testimony of other contractors, any bid registries or depositories, or any other party in possession of facts which may have a bearing on the decision of the awarding authority.

CHAPTER 333

An act to amend Section 15518 of the Education Code, relating to school buildings.

[Approved by Governor July 3, 1969 Filed with Secretary of State July 3, 1969.]

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 may be accumulated until the date specified in this section for the termination of its effect and shall be used exclusively for expenditures of the school district for purposes of this section.

This section shall remain in effect only until July 1, 1975, 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 334

An act to amend Section 3100 of the Education Code, relating to school district unification.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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 at-

tendance 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; provided that, if the assessed valuation per pupil in grades kindergarten to 12, inclusive, in the proposed new districts is greater than the statewide average assessed valuation per pupil in grades kindergarten to 12, inclusive, the board may approve of the formation where there will be an average daily attendance of more than 5,000 in the year following the date that the resulting districts would become effective for all purposes, or if the assessed valuation per pupil in grades kindergarten to 12, inclusive, in the proposed new districts is greater than the statewide average assessed valuation per pupil in grades kindergarten to 12, inclusive, the board may approve of the formation where there will be a projected average daily attendance of more than 7,000 by the beginning of the seventh fiscal year following the date that the resulting districts become 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 segre-

gation. 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 335

An act to repeal Section 1827 of the Welfare and Institutions Code, relating to probation services.

[Approved by Governor July 3, 1969 Filed with Secretary of State July 3, 1969.]

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

SECTION 1. This act shall be known as the Arnold-Bee-Kennick Act.

SEC. 2. Section 1827 of the Welfare and Institutions Code is repealed.

CHAPTER 336

An act to add Section 2193.1 to the Business and Professions Code, relating to the practice of medicine.

[Approved by Governor July 3, 1969 Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 2193.1 is added to the Business and Professions Code, to read:

2193.1. Notwithstanding any other provision to the contrary, a graduate of a foreign medical school, except a Canadian school, who is a citizen of the United States shall be granted a physician's and surgeon's certificate, if he passes the examination provided for in this section and if he meets all of the following requirements:

(a) Holds two physician's and surgeon's licenses issued in the United States.

(b) Has served internships in the United States, satisfactory to the board, in a hospital or hospitals approved by the board for the training of interns, which total three years or more.

(c) Has more than 20 years' experience as a physician and surgeon in the United States.

(d) Has three years or more residency specialty training under the dean's committee of any university in California.

(e) Has worked in the State of California for 10 years for the Veterans Administration, the state, or a county, which experience is approved by the board.

The examination required by this section shall be oral, practical and clinical in nature and full consideration shall be given to the duration and character of the applicant's practice.

CHAPTER 337

An act to add Sections 7451.2 and 7460 to the Education Code, relating to regional occupational centers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 7451.2 is added to the Education Code, to read:

7451.2. Credits earned from courses completed in a regional occupational center or regional occupational program may be applied toward fulfillment of requirements for a high school diploma. A governing board of a district maintaining a regional occupational center may confer a high school diploma upon any pupil who attends a regional occupational center maintained by the district full time and has satisfactorily completed the prescribed course of study of the school district of residence or the course of study prescribed by the county superintendent of schools, school district, or school districts, as the case may be, maintaining such center.

SEC. 2. Section 7460 is added to the Education Code, to read:

7460. No instruction shall be given in a regional occupational center except by a qualified teacher holding a certificate issued pursuant to Chapter 2 (commencing with Section 13101) of Division 10.

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

In order to permit those pupils who have completed the prescribed course of study in a regional occupational center to be awarded a high school diploma at the earliest possible date so as to enable them to more easily obtain gainful employment and to permit credits for courses completed at a regional occupational center or regional occupational program to be applied toward fulfillment of requirements for a high school diploma at the earliest possible date, it is necessary that this act take effect immediately.

CHAPTER 338

An act to amend and renumber Sections 29000, 29001, and 29004 of, to add Sections 29003 and 29004 to, and to repeal Sections 29002 and 29003 of, the Vehicle Code, relating to towing equipment.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 29000 of the Vehicle Code is amended and renumbered to read:

29001. The upper and lower halves of every fifth wheel connecting device on any semitrailer and truck-tractor or auxiliary dolly shall be securely affixed to the vehicles to prevent shifting of the device on the vehicle to which it is attached.

SEC. 2. Section 29001 of the Vehicle Code is amended and renumbered to read:

29002. Every fifth wheel mechanism, including adapters, shall be equipped with a locking device which will not permit the upper and lower halves to be separated without the operation of a positive manual release. The manual release shall be designed, installed, and maintained so that it cannot be accidentally operated. Automatic locking devices on fifth wheels designed and constructed to be readily separable are required on any vehicle first required to be registered in this state after January 1, 1954.

SEC. 3. Section 29002 of the Vehicle Code is repealed.

SEC. 4. Section 29003 of the Vehicle Code is repealed.

SEC. 5. Section 29003 is added to the Vehicle Code, to read:

29003. (a) Every hitch or coupling device used as a means of attaching the towed and towing vehicles shall be properly and securely mounted and be structurally adequate for the weight drawn. The mounting of the hitch or coupling device on the towing and towed vehicle shall include sufficient reinforcement or bracing of the frame to provide sufficient strength and rigidity to prevent undue distortion of the frame.

(b) The drawbar, tongue, or other connection between the towing and towed vehicles shall be securely attached and structurally adequate for the weight drawn.

SEC. 6. Section 29004 of the Vehicle Code is amended and renumbered to read:

29000. This chapter does not apply to tow cars or to the drawbar or other connection between a motor vehicle and a pole or pipe dolly or logging dolly or to any lawful trailer used as a pole or pipe dolly.

SEC. 7. Section 29004 is added to the Vehicle Code, to read:

29004. (a) Every towed vehicle shall be coupled to the towing vehicle by means of a safety chain, cable, or equivalent device in addition to the regular drawbar, tongue or other connection.

(b) All safety connections and attachments shall be of sufficient strength to control the towed vehicle in event of failure of the regular hitch, coupling device, drawbar, tongue or other connection.

(c) No more slack shall be left in a safety chain, cable or equivalent device than is necessary to permit proper turning. When a drawbar, as defined in Section 300, is used as the towing connection, the safety chain, cable or equivalent device shall be connected to the towed and towing vehicle and to the drawbar so as to prevent the drawbar from dropping to the ground if the drawbar fails.

(d) The requirement of subdivision (a) does not apply to a semitrailer having a connecting device composed of a fifth wheel and kingpin assembly, nor to a towed motor vehicle when steered by a person who holds a license for the type of vehicle being towed.

CHAPTER 339

An act to amend Section 632 of the Code of Civil Procedure, relating to judicial findings and conclusions.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 632 of the Code of Civil Procedure is amended to read:

632. 1. In superior courts and municipal courts, upon the trial of a question of fact by the court, written findings of fact and conclusions of law shall not be required, except as herein provided.

In superior courts, upon such trial, the court shall announce its intended decision. Within the time after such announcement permitted by rules of the Judicial Council, any party appearing at the trial may request findings. Unless findings are requested, the court shall not be required to make written findings and conclusions.

In municipal courts, findings and conclusions shall be deemed waived unless expressly requested by one or more of the parties at the time of the trial; provided, that the court shall not be required to make any written findings and conclusions in any case in which the amount of the demand, exclusive of interest and costs, or the value of the property in controversy, does not exceed one thousand dollars ($1,000).

In any such trial in the superior or municipal court, findings and conclusions may be waived by consent in writing filed with

the clerk or judge, or by oral consent in open court, entered in the minutes, and shall be deemed waived by a party by failure to appear at the trial.

Where findings are required, they shall fairly disclose the court's determination of all issues of fact in the case.

The procedure for requesting, preparing, and filing written findings and conclusions and the written judgment of the court shall be in accordance with rules adopted by the Judicial Council. Judgment shall be entered as provided in Section 664.

2. In justice courts, upon trial by the court, no written findings of fact and conclusions shall be required in any case, and judgment shall be entered as provided in Section 664.

CHAPTER 340

An act to amend Section 23010 of the Government Code, relating to loans by counties, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 23010 of the Government Code is amended to read:

23010. Pursuant to a resolution adopted by its board of supervisors, a county may lend any of its available funds to any community services district, county waterworks district, mosquito abatement district, pest abatement district, fire protection district, flood control and water conservation district, park, recreation and parkway district or recreation, park and parkway district located wholly within the county, if its funds are or when available will be in the custody of the county or any officer of the county, in order to enable the district to perform its functions and meet its obligations. The loan shall not exceed 85 percent of the district's anticipated revenue for the fiscal year in which it is made or for the next ensuing fiscal year, and shall be repaid out of such revenue prior to the payment of any other obligation of the district.

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:

Community services districts in California are in urgent need of capital to meet their existing obligations. Many counties are able to extend loans to help these districts continue their valuable functions.

CHAPTER 341

An act to amend Sections 24403, 24600, and 24603 of, to amend and renumber Sections 25952 and 25953 of, and to add Sections 24609 and 25952 to, the Vehicle Code, relating to lighting equipment on motor vehicles.

[Approved by Governor July 3, 1969 Filed with Secretary of State July 3, 1969]

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

SECTION 1. Section 24403 of the Vehicle Code is amended to read:

24403. Any motor vehicle may be equipped with not to exceed two foglamps which may be used with, but shall not be used in substitution of, headlamps. Foglamps shall be mounted on the front at a height of not less than 12 inches nor more than 30 inches and so aimed that when the vehicle is not loaded none of the high-intensity portion of the light to the left of the center of the vehicle shall at a distance of 25 feet ahead project higher than a level of four inches below the level of the center of the lamp from which it comes.

SEC. 2. Section 24600 of the Vehicle Code is amended to read:

24600. During darkness every motor vehicle which is not in combination with any other vehicle 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 with 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. 3. Section 24603 of the Vehicle Code is amended to read:

24603. Every motor vehicle which is not in combination with any other vehicle and every vehicle at the end of a combination of vehicles shall at all times be equipped with stoplamps mounted on the rear as follows:

(a) Every such vehicle shall be equipped with one or more stoplamps.

(b) Every such vehicle, other than a motorcycle, manufactured and first registered on or after January 1, 1958, shall be equipped with two stoplamps.

(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. 4. Section 24609 is added to the Vehicle Code, to read:

24609. Any vehicle may be equipped with white or amber reflectors upon the front of the vehicle, but they shall be mounted not lower than 15 inches nor higher than 60 inches.

SEC. 5. Section 25952 of the Vehicle Code is amended and renumbered to read:

24254. Whenever a requirement is declared as to the mounted height of lamps or reflectors, the height shall be measured from the center of the lamp or reflector to the level surface upon which the vehicle stands when it is without a load.

SEC. 6. Section 25952 is added to the Vehicle Code, to read:

25952. (a) Lamps, reflectors, and area reflectorizing material of a type required or permitted on a vehicle may be mounted on a load carried by the vehicle in lieu of, or in addition to, such equipment on the vehicle. Such equipment shall be mounted on the load in a manner that would comply with the requirements of this code and regulations adopted pursuant to this code if the load were an integral part of the vehicle.

(b) Lamps on vehicles carried as a load shall not be lighted unless such lamps are mounted in accordance with subdivision (a).

SEC. 7. Section 25953 of the Vehicle Code is amended and renumbered to read:

24012. All lighting equipment or devices requiring approval shall comply with the engineering requirements and specifications, including mounting and aiming instructions, determined and publicized by the department.

CHAPTER 342

An act to amend Section 68097.2 of the Government Code, relating to expenses of witnesses.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 68097.2 of the Government Code is amended to read:

68097.2. Any member of the California Highway Patrol, sheriff, deputy sheriff or city policeman who is obliged by a subpoena issued pursuant to Section 68097.1 to attend as a witness, shall receive the salary or other compensation to which he is normally entitled from the public entity by which he is employed during the time that he travels to and from the place where the court or other tribunal is located and while he is required to remain at such place pursuant to such subpoena. He shall also receive from the public entity by which he is employed the actual necessary and reasonable traveling expenses incurred by him in complying with such subpoena.

The party at whose request such subpoena is issued shall reimburse the public entity the amount of forty-five dollars ($45) per day for each day that such officer is required to remain in attendance pursuant to such subpoena. The amount of forty-five dollars ($45) shall be deposited with the clerk of the court or with the tribunal prior to the issuance of a subpoena pursuant to this section. If the actual expenses should later prove to be less than the amount deposited, the excess of the amount deposited shall be refunded.

SEC. 2. Section 68097.2 of the Government Code is amended to read:

68097.2. Any member of the California Highway Patrol, sheriff, deputy sheriff, marshal, deputy marshal or city policeman who is obliged by a subpoena issued pursuant to Section 68097.1 to attend as a witness, shall receive the salary or other compensation to which he is normally entitled from the public entity by which he is employed during the time that he travels to and from the place where the court or other tribunal is located and while he is required to remain at such place pursuant to such subpoena. He shall also receive from the public entity by which he is employed the actual necessary and rea-

sonable traveling expenses incurred by him in complying with such subpoena.

The party at whose request such subpoena is issued shall reimburse the public entity the amount of forty-five dollars ($45) per day for each day that such officer is required to remain in attendance pursuant to such subpoena. The amount of forty-five dollars ($45) shall be deposited with the clerk of the court or with the tribunal prior to the issuance of a subpoena pursuant to this section. If the actual expenses should later prove to be less than the amount deposited, the excess of the amount deposited shall be refunded.

SEC. 3. Section 2 of this act shall become operative only if Senate Bill No. 445 is enacted by the Legislature at its 1969 Regular Session, and in such case at the same time as Senate Bill No. 445 takes effect; at which time Section 1 of this act is repealed.

CHAPTER 343

An act to amend Sections 24300 and 24304 of the Government Code, relating to county officers.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 24300 of the Government Code is amended to read:

24300. By ordinance the board of supervisors may consolidate the duties of certain of the county offices in one or more of these combinations:

(a) Sheriff and tax collector.
(b) Auditor and recorder.
(c) County clerk, auditor, and recorder.
(d) County clerk and public administrator.
(e) County clerk and recorder.
(f) County clerk and auditor.
(g) Treasurer and tax collector.
(h) Treasurer and recorder.
(i) Treasurer and assessor.
(j) Treasurer, assessor, and tax collector.
(k) Assessor and tax collector.
(*l*) Treasurer and public administrator.
(m) Public administrator and coroner.
(n) District attorney and public administrator.
(o) District attorney and coroner.
(p) Sheriff and coroner.
(q) Sheriff and public administrator.
(r) County agricultural commissioner and county sealer of weights and measures.
(s) Road commissioner and surveyor.

SEC. 2. Section 24304 of the Government Code is amended to read:

24304. Notwithstanding the provisions of Section 24300, in counties of the 13th to 57th classes, inclusive, the board of supervisors by ordinance may consolidate the duties of certain of the county offices in one or more of these combinations:

(a) Sheriff and tax collector.
(b) Auditor and recorder.
(c) County clerk, auditor, and recorder.
(d) County clerk and public administrator.
(e) County clerk and recorder.
(f) County clerk and auditor.
(g) Treasurer and tax collector.
(h) Treasurer and recorder.
(i) Treasurer and assessor.
(j) Treasurer, assessor, and tax collector.
(k) Assessor and tax collector.
(*l*) Treasurer and public administrator.
(m) Public administrator and coroner.
(n) District attorney and public administrator.
(o) District attorney and coroner.
(p) Sheriff and coroner.
(q) Sheriff and public administrator.
(r) County agricultural commissioner and county sealer of weights and measures.
(s) County clerk and tax collector.
(t) Treasurer, tax collector, and recorder.
(u) Sheriff, tax collector, and coroner.
(v) Coroner and health officer.
(w) Road commissioner and surveyor.
(x) Sheriff, coroner, and public administrator.
(y) Treasurer, tax collector, and public administrator.

CHAPTER 344

An act to amend Sections 1622 and 2113 of the Streets and Highways Code, relating to streets and highways funds.

[Approved by Governor July 3, 1969 Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 1622 of the Streets and Highways Code is amended to read:

1622. All amounts paid to each county, out of money derived from the Highway Users Tax Fund shall be deposited in a "road fund" which each board of supervisors shall establish for that purpose.

Interest received by a county from the investment of money in its road fund shall be deposited in the fund and shall be used for road purposes.

SEC. 2. 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 the "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.

Interest received by a city from the investment of money in its special gas tax street improvement fund shall be deposited in the fund and shall be used for street purposes.

CHAPTER 345

An act to amend Sections 396b, 399, 585, 586, and 1014 of the Code of Civil Procedure, relating to civil procedure.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 396b of the Code of Civil Procedure is amended to read:

396b. Except as otherwise provided in Section 396a, if an action or proceeding is commenced in a court having jurisdiction of the subject matter thereof, other than the court designated as the proper court for the trial thereof, under the provisions of this title, the action may, notwithstanding, be tried in the court where commenced, unless the defendant, at the time he answers or demurs, or, at his option, without answering or demurring and within the time otherwise limited to plead, files with the clerk, or with the judge if there be no clerk, an affidavit of merits and notice of motion for an order transferring the action or proceeding to the proper court, together with proof of service, upon the adverse party, of a copy of such papers. Upon the hearing of such motion the court shall, if it appears that the action or proceeding was not commenced in the proper court, order the same transferred to the proper court; provided, however, that the court in an action for divorce or separate maintenance, may, prior to the determination of such motion, consider and determine motions for allowance of temporary alimony, support of children, counsel fees and costs, and make all necessary and proper orders in connection therewith; provided further, that in any case, if an answer be filed, the court may consider opposition

to the motions, if any, and may retain the action in the county where commenced if it appears that the convenience of the witnesses or the ends of justice will thereby be promoted.

SEC. 2. Section 399 of the Code of Civil Procedure is amended to read:

399. When an order is made transferring an action or proceeding under any of the provisions of this title, the clerk, or the judge where there is no clerk, shall, after expiration of the time within which a petition for writ of mandate could have been filed pursuant to Section 400 of this code, or if such petition is filed after judgment denying the writ becomes final, and upon payment of the costs and fees, transmit the pleadings and papers therein (or if the pleadings be oral a transcript of the same) to the clerk (or to the judge where there is no clerk) of the court to which the same is transferred. When the transfer is sought on any ground specified in subdivisions 2, 3, 4 and 5 of Section 397 of this code, the costs and fees thereof, and of filing the papers in the court to which the transfer is ordered, shall be paid at the time the notice of motion is filed, by the party making the motion for the transfer. When the transfer is sought solely, or is ordered, because the action or proceeding was commenced in a court other than that designated as proper by the provisions of this title, such costs and fees shall be paid by the plaintiff before such transfer is made; and if, in any such case, the defendant has paid such costs and fees at the time of filing his notice of motion, the same shall be repaid to him, upon the making of such order. If such costs and fees have not been so paid by the plaintiff within five days after service of notice of such order, then any other party interested therein, whether named in the complaint as a party or not, may pay such costs and fees, and the clerk shall thereupon transmit the papers and pleadings therein as if such costs and fees had been originally paid by the plaintiff, and the same shall be a proper item of costs of the party so paying the same, recoverable by such party in the event he prevails in the action; otherwise, the same shall be offset against and deducted from the amount, if any, awarded the plaintiff in the event the plaintiff prevails against such party in such action.

At the time of transmittal of the papers and pleadings, the clerk shall mail notice to all parties who have appeared in the action or special proceeding, stating the date on which such transmittal occurred. Promptly upon receipt of such papers and pleadings, the clerk of the court to which the action or proceeding is transferred shall mail notice to all parties who have appeared in the action or special proceeding, stating the date of the filing of the case and number assigned to the case in such court.

The court to which an action or proceeding is transferred under the provisions of this title shall have and exercise over the same the like jurisdiction as if it had been originally commenced therein, all prior proceedings being saved, and such court may require such amendment of the pleadings, the filing

and service of such amended, additional, or supplemental pleadings, and the giving of such notice, as may be necessary for the proper presentation and determination of the action or proceeding in such court.

SEC. 3. Section 585 of the Code of Civil Procedure is amended to read:

585. Judgment may be had, if the defendant fails to answer the complaint, as follows:

1. In an action arising upon contract or judgment of a court of this state for the recovery of money or damages only, if the defendant has, or if more than one defendant, if any of such defendants have, been personally served and no answer, demurrer, notice of motion to strike (of the character hereinafter specified), notice of motion to transfer pursuant to Section 396b, notice of motion to quash service of summons pursuant to Section 416.1, or notice of the filing of a petition for writ of mandate as provided in Section 416.3 has been filed with the clerk or judge of the court within the time specified in the summons, or such further time as may be allowed, the clerk, or the judge if there be no clerk, upon application of the plaintiff, and proof of such service of summons, shall enter the default of the defendant or defendants, so served, and immediately thereafter enter judgment for the principal amount demanded in the complaint or a lesser amount if credit has been acknowledged, together with interest allowed by law or in accordance with the terms of the contract, and the costs against such defendant, or defendants, or against one or more of such defendants. If, by rule of court, a schedule of attorney fees to be allowed has been adopted, the clerk may include in the judgment an attorney fee in accordance with such schedule if the contract provides that an attorney fee be allowed in the event of an action thereon; provided, that plaintiff shall have the right, upon filing a written request at the time of application for entry of the default of the defendant or defendants, to have the attorney fee fixed by the court, whereupon, after the entry of such default, the court shall hear the application for determination of the attorney fee and render judgment for the same and for the other relief demanded in the complaint, or a lesser amount if credit has been acknowledged, and the costs against such defendant, or defendants, or against one or more of such defendants.

2. In other actions, if the defendant has been personally served and no answer, demurrer, notice of motion to strike (of the character hereinafter specified), notice of motion to transfer pursuant to Section 396b, notice of motion to quash service of summons pursuant to Section 416.1, or notice of the filing of a petition for writ of mandate as provided in Section 416.3 has been filed with the clerk or judge of the court within the time specified in the summons, or such further time as may be allowed, the clerk, in courts having a clerk, shall enter the default of the defendant; and thereafter the plaintiff may apply to the court for the relief demanded in the complaint;

in courts which have no clerk, the court shall hear the evidence offered by the plaintiff, and shall render judgment in his favor for such sum (not exceeding the amount stated in the complaint), as appears by such evidence to be just. If the taking of an account, or the proof of any fact, is necessary to enable the court to give judgment or to carry the judgment into effect, the court may take the account or hear the proof, or may, in its discretion, order a reference for that purpose. And where the action is for the recovery of damages, in whole or in part, the court may order the damages to be assessed by a jury; or if, to determine the amount of damages, the examination of a long account is involved by a reference as above provided.

3. In all actions where the service of the summons was by publication the plaintiff, upon the expiration of the time for answering, may, upon proof of the publication, and that no answer, demurrer, notice of motion to strike (of the character hereinafter specified), notice of motion to transfer pursuant to Section 396b, notice of motion to quash service of summons pursuant to Section 416.1, or notice of the filing of a petition for writ of mandate as provided in Section 416.3 has been filed, apply for judgment; and the court shall thereupon require proof to be made of the allegations of the complaint; and if the defendant is not a resident of the state, shall require the plaintiff, or his agent, to be examined, on oath, respecting any payments that have been made to the plaintiff, or to anyone for his use, on account of any demand mentioned in the complaint, and may render judgment for the amount which he is entitled to recover; provided that, in all cases affecting the title to or possession of real property, where the service of the summons was by publication and the defendant has failed to answer, no judgment shall be rendered upon proof of mere occupancy, unless such occupancy shall have continued for the time and shall have been of the character necessary to confer title by prescription, and in all cases where the plaintiff bases his claim upon a paper title, the court shall require evidence establishing plaintiff's equitable right to judgment before rendering such judgment; provided further, however, that in actions involving merely the possession of real property where the complaint is verified and shows by proper allegations that no party to the action claims title to the real property involved, either by prescription, accession, transfer, will, or succession, but only the possession thereof, the court may render judgment upon proof of occupancy by plaintiff and ouster by defendant.

A notice of motion to strike within the meaning of this section is a notice of motion to strike the whole or any part of a pleading filed within the time within which the moving party is required otherwise to plead to said pleading. The notice of the motion to strike shall specify a hearing date not more than 15 days from the filing of such notice, plus any additional time that the moving party is otherwise required to give the adverse party. The filing of such notice of motion does not extend the time within which to demur.

4. In the cases referred to in subdivisions 2 and 3 of this section, excepting those cases which involve the dissolution or annulment of marriage or separate maintenance or the custody of children, or upon application to have an attorney's fee fixed by the court pursuant to subdivision 1 of this section, the court in its discretion may permit the use of affidavits, in lieu of personal testimony, as to all or any part of the evidence or proof required or permitted to be offered, received, or heard in such cases. The facts stated in such affidavit or affidavits shall be within the personal knowledge of the affiant and shall be set forth with particularity, and each affidavit shall show affirmatively that the affiant, if sworn as a witness, can testify competently thereto.

SEC. 4. Section 586 of the Code of Civil Procedure is amended to read:

586. In the following cases the same proceedings shall be had, and judgment shall be rendered in the same manner, as if the defendant had failed to answer:

1. If the complaint has been amended, and the defendant fails to answer it, as amended, or demur thereto, or file a notice of motion to strike, of the character specified in Section 585, within 10 days after service thereof or within the time allowed by the court;

2. If the demurrer to the complaint is overruled and a motion to strike, of the character specified in Section 585, is denied, or where only one thereof is filed, if the demurrer is overruled or the motion to strike is denied, and the defendant fails to answer the complaint within the time allowed by the court;

3. If a motion to strike, of the character specified in Section 585, is granted in whole or in part, and the defendant fails to answer the unstricken portion of the complaint within the time allowed by the court, no demurrer having been sustained or being then pending;

4. If a motion to quash service of summons has been filed or writ of mandate sought and notice thereof given, as provided in Section 416.1 or Section 416.3 of this code, and upon denial of such motion or writ, defendant fails to plead to the complaint, within the time provided in said sections or as otherwise provided by law;

5. If the demurrer to the answer is sustained and the defendant fails to amend the answer within the time allowed by the court;

6. (a) If a motion to transfer pursuant to Section 396b is denied and the defendant fails to answer the complaint within the time allowed by the court or within the time provided in (c).

(b) If a motion to transfer pursuant to Section 396b is granted and the defendant fails to answer the complaint within 15 days of the mailing of notice of the filing and case number by the clerk of the court to which the action or proceeding is transferred or within the time provided in (c).

(c) If the order granting or denying a motion to transfer pursuant to Section 396a or 396b is the subject of an appeal pursuant to Section 904.2 or 904.3 in which a stay is granted or of a mandate proceeding pursuant to Section 400, and such order is reversed, the court having jurisdiction over the trial, upon application or on its own motion after such appeal or mandate proceeding becomes final or upon earlier termination of a stay, shall allow the defendant a reasonable time to answer the complaint. Notice of the order allowing the defendant further time to answer the complaint shall be promptly served by the party who obtained such order or by the clerk if the order is made on the court's own motion.

SEC. 5. Section 1014 of the Code of Civil Procedure is amended to read:

1014. A defendant appears in an action when he answers, demurs, files a notice of motion to strike, files a notice of motion to transfer pursuant to Section 396b, gives the plaintiff written notice of his appearance, or when an attorney gives notice of appearance for him. After appearance, a defendant or his attorney is entitled to notice of all subsequent proceedings of which notice is required to be given. Where a defendant has not appeared, service of notice or papers need not be made upon him unless he is imprisoned for want of bail.

CHAPTER 346

An act to amend Section 11102 of the Vehicle Code, relating to requirements for driving school operators.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 11102 of the Vehicle Code is amended to read:

11102. (a) Every person, in order to qualify to operate a driving school shall meet the following requirements:

(1) Be of good moral character.

(2) Maintain an established place of business open to the public. No office or place of business shall be established within 200 feet of any building used by the department as an office after September 8, 1953.

(3) Have the equipment necessary to the giving of proper instruction in the operation of motor vehicles.

(4) Within three attempts, pass such examination as the department shall require on traffic laws, safe driving practices, operation of motor vehicles, teaching methods and techniques, driving school statutes and regulations, office procedures, and recordkeeping.

(5) Pay to the department an examination fee of one hundred dollars ($100) which shall entitle the applicant to three

examinations within a period of one year, and a license fee of twenty-five dollars ($25).

(6) Be 21 years of age or older.

(7) Have worked for an established licensed California driver training school as a driving instructor for a period of not less than 1,000 hours of actual behind the wheel teaching, except that this paragraph does not apply to any person who holds a general secondary credential or who has satisfactorily completed a course in the teaching of driver education and driver training acceptable to the department.

(8) Procure and file with the department a good and sufficient bond in the amount of two thousand dollars ($2,000) with corporate surety thereon, duly licensed to do business within the State of California, or a cash bond in such amount, and conditioned that such applicant shall not practice any fraud, make any fraudulent representation which will cause a monetary loss to a person taking instruction from the applicant.

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

The alternative requirement of a cash deposit as provided for in this section can be satisfied by any of the following:

(i) Certificates of deposit payable to the department issued by banks doing business in this state and insured by the Federal Deposit Insurance Corporation.

(ii) Investment certificates or share accounts assigned to the department and issued by a savings and loan association doing business in this state and insured by the Federal Savings and Loan Insurance Corporation.

(iii) Bearer bonds issued by the United States government or by this state.

(iv) Cash deposited with the department. The terms and conditions surrounding each of the foregoing types of security shall be prescribed by the department.

(b) The qualifying requirements referred to in this section shall be met within one year from the date of application for a license or a new application, examination and fee shall be required.

CHAPTER 347

An act to amend Section 74519 of the Government Code, relating to municipal courts.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 74519 of the Government Code is amended to read:

74519. In any civil action or proceeding, in addition to a fee or fees required by Sections 72054 to 72073, inclusive,

a fee of nine dollars and fifty cents ($9.50) shall be paid to the clerk of the municipal court, by each party, or jointly by parties appearing jointly, once only in any such action or proceeding, in the following instances:

(a) Upon the filing of a complaint or complaint in intervention.

(b) Upon the filing of an answer.

(c) Upon the filing of papers transmitted from another court on the transfer of a civil action or special proceeding.

CHAPTER 348

An act to amend Section 1720 of the Welfare and Institutions Code, relating to Youth Authority Board.

[Approved by Governor July 3, 1969 Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 1720 of the Welfare and Institutions Code is amended to read:

1720. The terms of office of members of the authority shall be for four years, except as otherwise provided in this section. The term of the Chairman of the Youth Authority Board shall expire March 15, 1972. The term of the two members appointed in 1969 shall expire March 15, 1973. The term of the member appointed in 1970 shall expire March 15, 1972. Of the four members appointed in 1971, two terms shall expire March 15, 1974, and two of the terms shall expire March 15, 1975. Their successors shall hold office for terms of four years and until the appointment and qualification of their successors, each such term to commence on the expiration date of the term of the predecessor. Members shall be eligible for reappointment.

CHAPTER 349

An act to amend Section 5474.21 of the Health and Safety Code, relating to sanitation.

[Approved by Governor July 3, 1969 Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 5474.21 of the Health and Safety Code is amended to read:

5474.21. For the purposes of this chapter "food crop" shall mean all fruits and vegetables intended for human consumption.

CHAPTER 350

An act to amend Section 233 of the Code of Civil Procedure, relating to jurors.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 233 of the Code of Civil Procedure is amended to read:

233. Unless a higher fee or rate of mileage is otherwise provided by law, jurors' fees, for attending justice courts shall be, for each day's attendance as a juror, five dollars ($5). In addition, each juror attending a justice court shall be entitled to fifteen cents ($0.15) per mile, for each mile actually traveled in attending as a juror, in going only, together with meals and lodging.

CHAPTER 351

An act to amend Section 6007 of the Business and Professions Code, relating to attorneys.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 6007 of the Business and Professions Code is amended 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 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.

CHAPTER 352

An act to amend Sections 29 and 62 of Chapter 549 of the Statutes of 1955, relating to the Montalvo Municipal Improvement District.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 29 of Chapter 549 of the Statutes of 1955 is amended to read:

Sec. 29. Each board member shall receive thirty dollars ($30) for each day of his actual attendance of the meetings of the board. No member shall, however, receive more than one hundred twenty dollars ($120) in any calendar month.

SEC. 2. Section 62 of Chapter 549 of the Statutes of 1955 is amended to read:

Sec. 62. All contracts for the construction of any unit of work, except as hereinafter provided, estimated to cost in excess of three thousand five hundred dollars ($3,500) shall be let to the lowest responsible bidder in the manner hereinafter provided. The board shall advertise pursuant to Section 6066 of the Government Code in a newspaper of general circulation circulated in the district inviting sealed proposals for the construction of the work, before any contract shall be made therefor, and may let by contract separately any part of said work. The board shall have the right to reject any and all bids, in which case the board may advertise for new bids or perform the work by force account. In the event no proposals are received pursuant to advertisement therefor, or where the estimated cost of such work does not exceed the sum of three thousand five hundred dollars ($3,500), or where the work is found by the board to consist of emergency work necessary in order to protect life and property, the board, by unanimous vote of all members present, may without advertising for bids therefor have said work done by force account. The district shall have the power to purchase in the open market without advertisement for bids thereof, materials and supplies for use in any work therewith either under contract or by force account; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds three thousand five hundred dollars ($3,500), without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

The provisions of this section shall have no application to a contract entered into under the authority of Section 47, or to a contract authorized by a vote of the electorate of the district.

CHAPTER 353

An act to amend Section 1803.7 of the Civil Code, relating to retail installment contracts.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 1803.7 of the Civil Code is amended to read:

1803.7. The seller shall deliver to the buyer at the time of the buyer's signature a legible copy of the contract or of any other document which the seller has required or requested the buyer to sign, and which he has signed, during the contract negotiation. In addition to the penalties provided under Article 12.2 (commencing with Section 1812.6) of this chapter,

until the seller delivers such documents, the buyer shall be obligated to pay only the cash sale price. Any acknowledgment by the buyer of delivery of a copy of the contract shall be printed or written in a size equal to at least 10-point bold type and, if contained in the contract shall also appear directly above the space reserved for the buyer's signature. The buyer's written acknowledgment, conforming to the requirements of this section of delivery of a copy of a contract shall be a rebuttable presumption of such delivery and of compliance with this section and Section 1803.4, in any action or proceeding by or against an assignee of the contract without knowledge to the contrary when he purchases the contract. If the holder furnishes the buyer a copy of the contract, or a notice containing the items required by Section 1803.3 and stating that the buyer should notify the holder in writing within 30 days if he was not furnished a copy of the contract, and no such notification is given, it shall be conclusively presumed in favor of the third party that a copy was furnished as required by Sections 1803.4 and 1803.7.

CHAPTER 354

An act to add Section 31000.3 to the Government Code, relating to county contracts for services.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 31000.3 is added to the Government Code, to read:

31000.3. Any contract for services entered into by a board of supervisors pursuant to Section 31000 may provide for deferred payment of compensation for services rendered if (a) the terms and conditions under which payment of deferred compensation is to be made are set forth in the contract; and (b) the deferred compensation is deposited with a corporation or association authorized to conduct the business of a trust company in this state; and (c) the deposit of deferred compensation is made pursuant to the terms of a written agreement between the board of supervisors and the depository under which it is agreed that the deferred compensation shall be invested only in such investments, securities, annuities and policies of life insurance as may be agreed upon; and (d) the agreement between the board of supervisors and the depository provides that the deferred compensation and any increment thereto shall be refunded to the board of supervisors if the contractor fails to comply with the terms and conditions specified in the contract of employment.

CHAPTER 355

An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 3, 1969 Filed with Secretary of State July 3, 1969.]

I object to the following appropriations in Senate Bill No. 255:

Item 54 5—For expenditure by the Director of Finance and the Director of General Services to exercise options under the agreement with the Public Employees' Retirement System, dated December 15, 1967, to repay Public Employees' Retirement System for the land acquired under Chapter 1407, Statutes of 1967 I eliminate this item.

I have eliminated this item because any additional expenditure of this magnitude from the State General Fund on behalf of the State Fair and Exposition would be incompatible with the plan to allow private enterprise to assume the responsibilities and assets of the Fair and Exposition.

Item 73—For augmentation of California Museum of Science and Industry Fund. I reduce this item from $765,202 to $671,355.

Item 74—For support of California Museum of Science and Industry, Department of Commerce. I reduce this item from $1,216,557 to $1,122,710 to eliminate the legislative staffing augmentation

I have reduced Items 73 and 74 as the state has increased support of this local project by more than 100% since 1964–65 This budget as reduced provides a 20% increase over 1967–68 and meets the essential needs of the program.

Item 82—For support of Department of the Youth Authority. I reduce this item from $46,429,318 to $46,420,318 by reducing paragraph (b) Operating Expenses and Equipment from $10,034,854 to $10,025,854.

I have eliminated the augmentation for contract services with La Verne College because this can be accomplished within the existing funds budgeted for education at the Youth Training School.

Item 109—For support of University of California. I reduce this item from $755,020 to $655,020.

I am eliminating the augmentation for extension service in rural areas to maintain the policy that extension service will be self supporting and responsive to the demand for this service.

Item 109 2—For support of University of California I eliminate this item

The need for educational opportunity aid to students must be directed to the areas of greatest need This need at the University has been substantially met by a partial allocation of student registration fees The rate and amount of aid at the University is already considerably greater than that available in the other segments of higher education. I will submit a separate message on this important subject

Item 109 5—For deferred maintenance, University of California. I reduce this item from $1,000,000 to $500,000

The reduced amount generally reflects the level and priority consistent with the University's proposed plan for meeting this need

Item 116—For support of Trustees of the California State Colleges and the California State Colleges I reduce this item from $1,042,528 to $600,024.

I am eliminating $400,000 from this item for planning funds for year-round operations at four colleges and $42,504 for the relations with schools program Both items were low on the Trustees' priority list

Item 116.7—For support of Trustees of the California State Colleges and the California State Colleges I eliminate this item

Approval of this item would represent a departure from existing policy with respect to replacing federal grants which have been cut back

Item 154—For support of Department of Mental Hygiene I reduce this item from $4,889,890 to $3,789,890

I have eliminated funds for Modesto State Hospital to reflect the continuing reduction in the mentally ill patient population.

Item 160—For support of Department of Public Health—Augmentation. I reduce this item from $442,943 to $373,068.

I have eliminated the augmentation for a local area water contamination study. Such problems are the responsibility of local public health authorities.

Item 166—For support of Department of Social Welfare. I reduce this item from $626,500 to $126,500.

I have reduced the proposed augmentation for the Community Services Division because the objective of increasing community placements of mentally retarded patients can be achieved through appropriations provided by Items 158, 159 and 344.

Item 280.5—For transfer to the Motor Vehicle Fund I eliminate this item.

Transfer of this General Fund amount to the Motor Vehicle Fund is unnecessary at this time The Highway Patrol has absorbed these costs to date within their annual appropriations.

Item 297 1—For civil service special inequity adjustments for occupational groups which lag more than seven percent and whose salary range does not exceed $950 per month. I reduce this item from $6,900,000 to $2,760,000.

Item 297.2—For civil service special inequity adjustments for specific occupational groups which lag more than fifteen percent. I eliminate this item

I have reduced the augmentation and special inequity adjustment in Item 297 1 to an amount sufficient to provide a 1% inequity adjustment and eliminated the augmentation and special inequity adjustment in Item 297 2.

Item 321—For apportionments to public schools I reduce this item from $1,511,344,200 to $1,410,897,600 by reducing (a) $299 87 per ADA to $279 94 per ADA; (b) (5) $2 17 per ADA to $1 67 per ADA, and (b) (6) $263.05 per ADA to $243.62 per ADA

This reduces this item to $120,500,000 which is the $105,500,000 I originally placed in my budget plus the $15,000,000 made available as a result of the federal government's lifting of the AFDC freeze

Item 333—For publishing, purchasing and shipping free textbooks, Department of Education. I reduce this item from $24,234,925 to $22,982,191 by reducing paragraph (b) Operating Expenses and Equipment from $24,146,891 to $22,894,157.

The level of expenditure which I am approving is consistent with current level of service. The amount reduced represents a substantial increase in level of support for supplemental textbooks and late adoptions.

Item 344 5—For support of Department of Public Health—Local Assistance I eliminate this item.

The state is attempting to implement a loan insurance program in lieu of direct financial assistance for local hospital construction.

Item 348—For cost of Special Social Service Programs, Department of Social Welfare I reduce this item from $19,158,418 to $18,658,418 by reducing paragraph (d) from $19,605,782 to $17,605,782, and by reducing paragraph (j) from —$17,481,926 to —$15,981,926. Funds are already available for this purpose.

Item 351—For Local Assistance, Department of Harbors and Watercraft I reduce this item from $3,275,000 to $2,575,000

This reduction would eliminate State assistance for harbor development which I feel is premature at this time

Item 363—For contribution to counties for providing legal assistance to indigents charged with violation of state criminal law. I reduce this item from $900,000 to $775,000.

I have reduced this item to the present level of state support which is reasonable for a basically local function

Item 364 5—For capital outlay, Department of General Services. I eliminate this item

This item would acquire additional real property in the capital area However, the state is currently studying this problem to determine whether the capital plan is still realistic Funds are already available for hardship acquisitions.

Item 369.1—For capital outlay, Department of Corrections I eliminate this item.

I have eliminated this item because it largely duplicates money appropriated in the Budget Act of 1968

Item 390 5—For capital outlay, Board of Governors, of the California Community Colleges I delete this item. I agree with this in principle, but this can be done administratively.

With the above deletions and reductions, I hereby approve Senate Bill No. 255.

RONALD REAGAN, Governor

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

SECTION 1. This act shall be known and may be cited as the "Budget Act of 1969."

SEC. 2. The following sums of money, or so much thereof as may be necessary unless otherwise provided herein, are hereby appropriated for the use and support of the State of California for the 1969–70 fiscal year beginning July 1, 1969, and ending June 30, 1970. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

Whenever by constitutional or statutory provision the revenues or receipts of any institution, department, board, bureau, commission, officer, employee, or other agency, or any moneys in any special fund created by law therefor, are to be used for salaries, support or any proper purpose, expenditures shall be made therefrom for any such purposes to the extent only of the amount herein appropriated, unless otherwise stated herein, or authorized pursuant to Section 11006 of the Government Code.

Appropriations for purposes not otherwise provided for herein which have been heretofore made by any existing constitutional or statutory provision shall continue to be governed thereby.

LEGISLATIVE

Item	Amount
1—For salaries of Senators	$645,000
2—For mileage of Lieutenant Governor, Senators and statutory officers of the Senate	1,800
3—For expenses of Members of the Senate	300,000
4—For contingent expenses of the Senate, including personal services for officers, clerks and all other employees, and legislative committees thereof composed in whole or in part of Members of the Senate, to be transferred by the State Controller to the Senate Contingent Fund	5,805,500
5—For salaries of Assemblymen	1,300,000
6—For mileage of Assemblymen and statutory officers of the Assembly	3,600
7—For expenses of Members of the Assembly	492,025
8—For contingent expenses of the Assembly including personal services for officers, clerks, and all other employees, and legislative committees thereof composed in whole or in part of Members of the Assembly, to be transferred by the State Controller to the Assembly Contingent Fund	10,410,202
8.5—For expenses of Joint Legislative Committee for the Revision of the Penal Code	84,700

Item		Amount
9—For payment of the state's proportionate share of the expenses of the National Conference of Legislative Leaders to be transferred by the State Controller in equal amounts to the Senate and Assembly Contingent Funds.		1,000
9.5—To the Joint Committee on Legislative Organization for payment of the state's contribution to the National Advisory Commission on Intergovernmental Relations		5,000
10—For legislative printing, binding, mailing and other necessary expenses and in addition thereto, any amounts received from the sale of legislative publications		2,150,000
10.5—For legislative printing, binding, mailing and other necessary expenses to pay obligations incurred for both the 1966–67 and 1967–68 fiscal years		450,685
11—For the expenses of joint committees and their members and for any charges, expenses, or claims they may incur, to be transferred by the State Controller to the Contingent Funds of the Assembly and Senate, available without regard to fiscal years, to be paid on certification of chairmen of the committees to which allocations have been made by statute or concurrent resolution		4,000,000
12—For support of Legislative Counsel Bureau		1,523,824
Schedule:		
(a) Personal Services	1,467,879	
(b) Operating Expenses and Equipment	108,165	
(c) Reimbursements	–52,220	
13—For support of California Law Revision Commission		163,922
Schedule:		
(a) Personal Services	117,861	
(b) Operating Expenses and Equipment	46,061	
14—For support of California Commission on Uniform State Laws		15,400
15—For state's contribution to the Legislators' Retirement Fund, in accordance with Section 9358 of the Government Code		540,000
JUDICIAL		
16—For support of Supreme Court of California		1,725,037
17—For support of Judicial Council, to be transferred to, and in augmentation of Item 18, Budget Act of 1969, upon order of the Department of Finance		20,000

Item		Amount
18—For support of Judicial Council		562,340
19—For support of Judicial Council, to be expended for extra compensation, expenses and staff for judges assigned by the Judicial Council		235,000
In addition, funds appropriated by this act for salaries of judges of any court which are unexpended, may be transferred by the Director of Finance for expenditure for salaries of judges assigned by the Chairman of the Judicial Council during the 1969–70 fiscal year, in such amounts as may be deemed necessary by the Director of Finance.		
20—For support of Judicial Council, for implementing uniformity and consistence of procedure in traffic courts, payable from the Motor Vehicle Fund, to be expended only upon receipt of an equal amount from the federal government		10,145
21—For support of Commission on Judicial Qualifications		39,222
22—For support of Court of Appeal, First Appellate District		1,096,725
23—For support of Court of Appeal, Second Appellate District		2,219,309
24—For support of Court of Appeal, Third Appellate District		536,713
25—For support of Court of Appeal, Fourth Appellate District		723,215
26—For support of Court of Appeal, Fifth Appellate District		310,533
EXECUTIVE		
27—For support of Governor and of Governor's office (exempt from the provisions of Sections 925.6, 12410 and 13320 of the Government Code)		1,539,333
28—For support of Governor's residence (exempt from the provisions of Sections 925.6, 12410 and 13320 of the Government Code)		17,400
29—For special contingent expenses, Governor's office (exempt from the provisions of Sections 925.6, 12410 and 13320 of the Government Code)		15,000
30—For support of Business and Transportation Agency, payable from the Motor Vehicle Fund		104,405
Schedule:		
(a) Personal Services	78,405	
(b) Operating Expenses and Equipment	26,000	

Item		Amount
31—For support of Human Relations Agency		138,676
Schedule:		
(a) Personal Services	99,627	
(b) Operating Expenses and Equipment	39,049	
provided that, any rule or regulation adopted by the Secretary of the Human Relations Agency during the 1969–70 fiscal year which results in additional cost to the state shall only be effective from and after the date upon which it is approved as to availability of funds by the Department of Finance.		
32—For support of Resources Agency		177,176
Schedule:		
(a) Personal Services	127,405	
(b) Operating Expenses and Equipment	49,771	
33—For support of Agriculture and Services Agency		95,224
Schedule:		
(a) Personal Services	77,728	
(b) Operating Expenses and Equipment	17,496	
34—For support of California Disaster Office, California State Disaster Council and advisory committees, to be transferred to and in augmentation of Item 35, Budget Act of 1969, upon order of the Department of Finance		82,657
and in addition thereto, any amounts received from federal grants or other sources.		
35—For support of California Disaster Office, California State Disaster Council and advisory committees		931,713
and in addition, any amounts received from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.		
Schedule:		
(a) Personal Services	939,163	
(b) Operating Expenses and Equipment	792,802	
(bx) Unallocated reduction	-160,000	
(c) Federal grants	-640,252	
36—For support of Council on Intergovernmental Relations		133,112
37—For support of Lieutenant Governor		236,573
Schedule:		
(a) Personal Services	171,287	
(b) Operating Expenses and Equipment	65,286	

Item		Amount
	GENERAL ADMINISTRATION	
38—For support of Board of Administration of the Public Employees' Retirement System, to be transferred by the State Controller to Item 39, Budget Act of 1969		22,500
39—For support of Board of Administration of the Public Employees' Retirement System, payable from the Public Employees' Retirement Fund, pursuant to Section 20202.5 of the Government Code		3,214,212
Schedule:		
(a) Personal Services	2,857,701	
(b) Operating Expenses and Equipment	1,459,151	
(c) Reimbursements	-648,716	
(d) Amount payable from State Employees' Contingency Reserve Fund (Item 40)	-431,424	
(e) Amount payable from General Fund (Item 38)	-22,500	
40—For support of Board of Administration of the Public Employees' Retirement System, payable from the State Employees' Contingency Reserve Fund, in accordance with the provisions of Section 22840 of the Government Code		431,424
41—For support of Department of General Services		5,172,948
Schedule:		
(a) Personal Services	17,963,478	
(b) Operating Expenses and Equipment	5,610,123	
(c) Reimbursements	-17,418,973	
(d) Amount payable from the State School Building Aid Fund (Item 43)	-972,736	
(e) Amount payable from the Street and Highway Disaster Fund	-8,944	
Upon approval of the Department of Finance, the State Controller shall transfer to and in augmentation of this item from other items in this act which make appropriations from the General Fund, such part of appropriations that are unexpended and unencumbered which has been identified by the Department of General Services as representing savings in the level of funding for support of data processing operations and directly related functions.		

Item	Amount
In addition, upon approval of the Department of Finance, the State Controller shall transfer to and in augmentation of this item from any item which makes an appropriation from any special fund, any unencumbered and unexpended portion of such appropriation as is identified by the Department of General Services as representing savings in the level of funding for support of data processing operations and directly related functions, which are necessary to meet expenditures under this item for the purposes for which the funds are appropriated.	
42—For augmentation of Service Revolving Fund, to be transferred by the State Controller in such amounts and for such periods as the Department of Finance may authorize	140,000
43—For support of Department of General Services, payable from the State School Building Aid Fund	972,736
44—For augmentation of the Service Revolving Fund, to be transferred by the State Controller in such amounts and at such times as funds are made available. Upon approval of the State Board of Control, the State Controller shall transfer to this item from any appropriation made from the General Fund by the provisions of this act that part of such appropriation which is intended to be used and is available for the purchase or replacement of automobiles.	
45—For expenditure by Office of State Printing, Department of General Services, payable from the Service Revolving Fund	19,940,138
Schedule:	
(a) Personal Services 9,054,161	
(b) Operating Expenses and Equipment 10,885,977	
provided, that any balances in the Service Revolving Fund are subject to Sections 16420, 16421 and 16422 of the Government Code, and are available for augmentation of this appropriation by executive order of the Department of Finance.	
46—For expenditure by Department of General Services for activities financed from the Service Revolving Fund, other than the Office of State Printing	20,978,032
Schedule:	
(a) Personal Services 4,729,893	
(b) Operating Expenses and Equipment 16,248,139	

Item		Amount
	provided, that any balances in the Service Revolving Fund are subject to Sections 16420, 16421 and 16422 of the Government Code, and are available for augmentation of this appropriation by executive order of the Department of Finance.	
47—For expenditure by Office of Architecture and Construction, Department of General Services, payable from the Architecture Revolving Fund, for the purposes specified in Section 14957 of the Government Code		8,835,997
	Schedule:	
	(a) Personal Services	7,725,648
	(b) Operating Expenses and Equipment	1,168,996
	(c) Reimbursements	-58,647
	provided, that any balances in the Architecture Revolving Fund continue to be appropriated by and subject to Section 14957 of the Government Code, and are available for construction and for augmentation of this appropriation.	
48—For support of Office of Architecture and Construction, Department of General Services, payable from the Architecture Public Building Fund		1,627,701
	Schedule:	
	(a) Personal Services	1,282,922
	(b) Operating Expenses and Equipment	344,779
49—For support of Office of Management Services		279,405
	Schedule:	
	(a) Personal Services	223,761
	(b) Operating Expenses and Equipment	55,644
50—For support of Intergovernmental Board on Electronic Data Processing		54,660
	Schedule:	
	(a) Personal Services	31,415
	(b) Operating Expenses and Equipment	23,245
51—For support of California Advisory Commission on Marine and Coastal Resources, as provided by Sections 8800 through 8827 of the Government Code		67,752
52.5—For support of California Exposition and Fair Executive Committee, Department of General Services, and for payment of principal and interest on revenue bonds to meet the provisions of Government Code Section 15849,		

Item	Amount
to be transferred by the State Controller to Item 55.5, Budget Act of 1969, in accordance with the following schedule ----------	1,772,500
Schedule:	
(a) Support ---------- 642,500	
(b) Payment of interest and principal on revenue bonds 1,130,000	
provided, that no more than the amount actually needed to pay any deficit in principal and interest on the revenue bonds shall be made available for expenditure from category (b) of this item.	
And in addition, there is appropriated from the General Fund, not to exceed $350 000, to be made available during August and September of 1969 upon order of the Department of Finance upon such terms and conditions for repayment as may be prescribed by the Department of Finance, for temporary loans to the State Fair Fund to provide a change fund for the California Exposition and Fair.	
54.5—For expenditure by the Director of Finance and the Director of General Services to exercise options under the agreement with the Public Employees' Retirement System, dated December 15, 1967, to repay Public Employees' Retirement System for the land acquired under Chapter 1407, Statutes of 1967-------	7,602,647
provided, that any proceeds from any sale of the properties pursuant to Chapter 1071, Statutes of 1957, and Section 3557 of the Agricultural Code shall be payable first to the General Fund to the extent necessary to reimburse the General Fund for the moneys expended under this item and second the loan made to the State Fair Fund under Item 50, Chapter 430, Statutes of 1968	
55.5—For support of California Exposition and Fair Executive Committee, Department of General Services, and for payment of principal and interest on revenue bonds to meet the provisions of Government Code Section 15849, payable from the State Fair Fund----------	—0—
Schedule:	
(a) Support ---------- 2,238,740	
(b) Payment of interest and principal on revenue bonds- 1,130,000	
(c) Amount payable from General Fund (Item 52.5)-----1,772,500	

Item		Amount
(d) Amount payable from State Fair Fund as revenue from operations	-1,331,240	
(e) Amount payable from Fair and Exposition Fund in accordance with Section 19622, Business and Professions Code	-265,000	
56—For support of Capitol Building and Planning Commission		1,250
57—For support of Commission on California State Government Organization and Economy		55,469
58—For support of California Commission on Interstate Cooperation		99,100
59—For support of State Personnel Board		5,208,953
Schedule:		
(a) Personal Services	4,977,936	
(b) Operating Expenses and Equipment	1,131,577	
(c) Reimbursements	-900,560	
59.5—For support of State Personnel Board for a centrally administered Electronic Data Processing Training Program		43,000
60—For support of Secretary of State, to be transferred to and in augmentation of Item 61, Budget Act of 1969, upon order of the Department of Finance		30,000
61—For support of Secretary of State		1,342,874
Schedule:		
(a) Personal Services	897,917	
(b) Operating Expenses and Equipment	457,647	
(c) Reimbursements	-12,690	
62—For support of California Heritage Preservation Commission		1,000

AGRICULTURE

63—For support of Department of Agriculture, to be transferred to and in augmentation of Item 64, Budget Act of 1969, upon order of the Department of Finance		109,380
64—For support of Department of Agriculture		12,623,877
Schedule:		
(a) Personal Services	20,090,362	
(b) Operating Expenses and Equipment	6,389,260	
(c) Reimbursements	-1,819,056	
(d) Amount payable from the Department of Agriculture Fund (Item 66)	-11,740,053	

Item		Amount
(e) Amount payable from the Fair and Exposition Fund (Item 67)	-225,563	
(f) Federal grants	-71,073	
65—For cooperation with the federal government in marketing research under the provisions of Public Law 733, 79th Congress and Section 58231 of the Agricultural Code, Department of Agriculture		67,122
66—For support of Department of Agriculture, payable from the Department of Agriculture Fund		11,740,053
67—For support of Department of Agriculture, payable from the Fair and Exposition Fund		225,563
68—The sum of $130,000 of the money appropriated by Section 19627 of the Business and Professions Code, for support of district agricultural fairs or combined county and district agricultural fairs, is hereby reappropriated from the Fair and Exposition Fund during the 1969-70 fiscal year for transfer to the General Fund by the State Controller upon order of the Director of Finance.		
COMMERCE		
72—For support of Department of Commerce, other than the California Museum of Science and Industry		243,049
Schedule:		
(a) Personal Services	176,421	
(b) Operating Expenses and Equipment	66,628	
73—For augmentation of California Museum of Science and Industry Fund, to be transferred to the California Museum of Science and Industry Fund by the State Controller		765,202
74—For support of California Museum of Science and Industry, Department of Commerce, payable from the California Museum of Science and Industry Fund		1,216,557
75—For support of Office of Consumer Counsel, including the expenses of advisory committees appointed under Section 12057 of the Government Code		37,427
CORRECTIONS		
76—For support of Department of Corrections, to be transferred to and in augmentation of Item 77, Budget Act of 1969, upon order of the Department of Finance		234,000

Item		Amount
77—For support of Department of Corrections Schedule:		94,262,206
(a) Personal Services	69,594,406	
(b) Operating Expenses and Equipment	25,658,469	
(c) Inmate Pay—Work Projects	857,260	
(d) Reimbursements	-1,743,556	
(e) Federal reimbursements	-104,373	
provided, that upon approval of the Department of Finance, the State Controller shall transfer to the Department of Rehabilitation such part of these appropriations that are related to the cooperative rehabilitation services program to match federal funds for the cooperative rehabilitation services program; provided further, that such transfer shall enable the state to make maximum utilization of available federal funds.		
78—For transportation of prisoners to and between state prisons, including the return of parole violators to prison and for the conveying of persons under provisions of Sections 3000 et seq. of the Welfare and Institutions Code and 11190 et seq of the Penal Code, in accordance with the provisions of Section 26749 of the Government Code		112,000
provided, that claims made against this item of appropriation shall be filed by the local jurisdictions within six months after the end of the month in which such transportation costs were incurred; and provided further, that expenditures made under this item shall be charged to the fiscal year in which the warrant is issued by the State Controller.		
79—For expenses of transporting fugitives from justice from outside the state, in accordance with the provisions of Sections 1389, 1549 and 1557 of the Penal Code		300,000
80—For court costs and county charges, payable under Sections 4700 and 4700.5 of the Penal Code, in connection with coroners' services and trials of inmates charged with commission of a crime or crimes while incarcerated in a state institution or prison under the Department of Corrections, Department of Corrections		275,000
provided, that claims made against this item of appropriation shall be filed by the local jurisdictions within six months after the end of the month in which such court costs and county charges were incurred; and provided		

Item	Amount
further, that expenditures made under this item shall be charged to the fiscal year in which the warrant is issued by the State Controller.	
81—For support of Department of Youth Authority, to be transferred to and in augmentation of Item 82, Budget Act of 1969, upon order of the Department of Finance	45,388
82—For support of Department of the Youth Authority	46,429,318
Schedule:	
(a) Personal Services 37,219,102	
(b) Operating Expenses and Equipment 10,034,854	
(c) Ward Pay—Work Projects 45,760	
(d) Reimbursements -870,398	
provided, that upon approval of the Department of Finance, the State Controller shall transfer to the Department of Rehabilitation such part of these appropriations that are related to the cooperative rehabilitation services program to match federal funds for the cooperative rehabilitation services program; provided further, that such transfer shall enable the state to make maximum utilization of available federal funds; provided further, that funds for contract services with La Verne College are contingent upon (1) the receipt of matching federal or private foundation funds, and (2) the approval of the course content by the Director of the Youth Authority.	
82.5—For support of Department of the Youth Authority, to be transferred to and in augmentation of Item 82, Budget Act of 1969, upon order of the Department of Finance	115,407
83—For transportation of persons committed to Department of the Youth Authority to or between its facilities, including the return of parole violators	37,540
EDUCATION	
84—For payment of the state's share of the operating costs of the Educational Commission of the States and for necessary traveling expenses relating to participation, Department of Education	12,050
85—For support of Department of Education, to be transferred to and in augmentation of Item 86, Budget Act of 1969, upon order of the Department of Finance	0

Item		Amount
Schedule:		
(a) Personal Services	29,800	
(b) Operating Expenses and Equipment	20,200	
(c) Federal grants	-50,000	
86—For support of Department of Education, Superintendent of Public Instruction and State Board of Education		5,121,369
Schedule:		
(a) Personal Services	7,328,799	
(b) Operating Expenses and Equipment	9,534,557	
(c) Reimbursements	-8,093,773	
(d) Amount payable from State School Building Aid Fund (Item 87)	-195,800	
(e) Federal grants	-655,423	
(f) Continuing appropriation per Education Code, Section 13183	-1,889,261	
(g) Continuing appropriation per Chapter 1674, Statutes of 1967	-907,730	
87—For support of Department of Education, payable from the State School Building Aid Fund		195,800
88—For cooperation with the federal government for the improvement of instruction under the provisions of Title 3 of the National Defense Education Act of 1958, Department of Education		345,708
89—For cooperation with the federal government for the improvement of statistical services under the provisions of Title 10 of the National Defense Education Act of 1958, Department of Education		45,000
90—For support of Office of Compensatory Education, Department of Education		295,855
Schedule:		
(a) Personal Services	1,172,323	
(b) Operating Expenses and Equipment	389,539	
(c) Reimbursements	-250,000	
(d) Amount payable from State School Building Aid Fund (Item 91)	-16,414	
(e) Federal grants	-999,593	
91—For support of Office of Compensatory Education, Department of Education, payable from the State School Building Aid Fund		16,414

Item		Amount
92—For support of California School for the Blind, to be transferred to and in augmentation of Item 93, Budget Act of 1969, upon order of the Department of Finance		262,000
93—For support of California School for the Blind		904,293
Schedule:		
(a) Personal Services	859,314	
(b) Operating Expenses and Equipment	169,979	
(c) Reimbursements	-125,000	
94—For support of Diagnostic School for Neurologically Handicapped Children, Northern California		709,402
Schedule:		
(a) Personal Services	621,000	
(b) Operating Expenses and Equipment	105,302	
(c) Reimbursements	-16,900	
95—For support of Diagnostic School for Neurologically Handicapped Children, Southern California, to be transferred to and in augmentation of Item 96, Budget Act of 1969, upon order of the Department of Finance		25,000
96—For support of Diagnostic School for Neurologically Handicapped Children, Southern California		637,566
Schedule:		
(a) Personal Services	558,500	
(b) Operating Expenses and Equipment	89,161	
(c) Reimbursements	-10,095	
97—For support of California School for the Deaf, Berkeley		2,297,880
Schedule:		
(a) Personal Services	2,231,000	
(b) Operating Expenses and Equipment	453,442	
(c) Reimbursements	-386,562	
98—For support of California School for the Deaf, Riverside, to be transferred to and in augmentation of Item 99, Budget Act of 1969, upon order of the Department of Finance		186,000
99—For support of California School for the Deaf, Riverside		2,445,638
Schedule:		
(a) Personal Services	2,385,700	
(b) Operating Expenses and Equipment	398,784	
(c) Reimbursements	-338,846	

Item		Amount
100—For support of State Educational Agency for Surplus Property, payable from the Surplus Educational Property Revolving Fund		3,114,610
Schedule:		
(a) Personal Services	1,685,000	
(b) Operating Expenses and Equipment	1,439,610	
(c) Reimbursements	-10,000	
101—For support of vocational education, Department of Education		835,274
Schedule:		
(a) Personal Services	1,960,398	
(b) Operating Expenses and Equipment	1,760,044	
(c) Reimbursements	-81,200	
(d) Federal grants	-2,803,968	
102—For support of Division of Libraries, Department of Education, Public Library Development Board and Board of Library Examiners		1,810,922
Schedule:		
(a) Personal Services	1,523,945	
(b) Operating Expenses and Equipment	4,114,795	
(c) Reimbursements	-266,051	
(d) Federal grants	-3,561,767	
103—For support of State Teachers' Retirement System, to be transferred to and in augmentation of Item 105, Budget Act of 1969, upon order of the Department of Finance		175,000
104—For support of State Teachers' Retirement System, to be transferred to and in augmentation of Item 106, Budget Act of 1969, upon order of the Department of Finance, payable from the Teachers' Retirement Fund		174,000
105—For support of State Teachers' Retirement System		1,037,395
Schedule:		
(a) Personal Services	1,510,499	
(b) Operating Expenses and Equipment	674,291	
(c) Amount payable from Teachers' Retirement Fund (Item 106)	-1,147,395	
106—For support of State Teachers' Retirement System, payable from the Teachers' Retirement Fund		1,147,395

HIGHER EDUCATION

Item		Amount
107—For support of Coordinating Council for Higher Education, to be transferred to and in augmentation of Item 108, Budget Act of 1969, upon order of the Department of Finance		25,880
108—For support of Coordinating Council for Higher Education		516,127
Schedule:		
(a) Personal Services	553,590	
(b) Operating Expenses and Equipment	415,380	
(c) Federal grants	-452,843	
108.5—For payment of the state's share of the operating costs of the Western Interstate Commission on Higher Education, Coordinating Council for Higher Education		15,000
provided, that the Governor gives notice after July 1, 1969 that California intends to withdraw from the compact after June 30, 1971.		
109—For support of University of California, to be transferred to and in augmentation of Item 110, Budget Act of 1969, upon order of the Department of Finance		755,020
109.1—For urban research and public service grants, University of California, exempt from Section 31 of this act		600,000
provided, that the funds appropriated by this item shall be expended only for projects approved by the Department of Finance.		
109.2—For support of University of California, exempt from Section 31 of this act		1,000,000
provided, that the funds appropriated in this item will be used only for Educational Opportunity Programs with no other support allocated to these programs from the regular support appropriations; provided further, that these funds will be accounted for and reported separately and a report on the program's progress shall be submitted annually to the Joint Legislative Budget Committee by November 1.		
109.5—For deferred maintenance, University of California, exempt from Section 31 of this act		1,000,000
provided, that expenditures from this item shall be limited to items of deferred maintenance included on the priority listing submitted by the university to the Joint Legislative Budget Committee dated October 4, 1968; provided further, that no expenditure shall be made from this appropriation without an		

Item		Amount
	equal contribution by the university from funds not appropriated in this act.	
110—For support of University of California, exempt from Section 31 of this act		312,136,601
111—For research in the conversion of sea water and brackish water to fresh water, University of California, exempt from Section 31 of this act		334,900
112—For research in dermatology, University of California, exempt from Section 31 of this act		100,000
113—For research in mosquito control, University of California, exempt from Section 31 of this act, payable from the California Water Fund		100,000
Schedule:		
	(a) Organized research 200,000	
	(b) Reimbursements –100,000	
114—For support of Hastings College of Law, to be transferred to and in augmentation of Item 115, Budget Act of 1969, upon order of the Department of Finance		31,000
115—For support of Hastings College of Law		981,042
Schedule:		
	(a) Personal Services 1,155,415	
	(b) Operating Expenses and Equipment 360,311	
	(c) Reimbursements –480,950	
	(d) Federal grants –53,734	
116—For support of Trustees of the California State Colleges and the California State Colleges, to be transferred to and in augmentation of their support appropriations, Budget Act of 1969, upon order of the Trustees of the California State Colleges, subject to being reported to the Department of Finance and the provisions of Section 31.5 of this act		1,042,528
116.5—For support of Trustees of the California State Colleges and the California State Colleges, to be transferred to and in augmentation of their support appropriations, Budget Act of 1969, upon order of the Trustees of the California State Colleges, subject to being reported to the Department of Finance and the provisions of Section 31.5 of this act provided, that the funds appropriated in this item will be used only for Educational Opportunity Programs with no other support allocated to these programs from the regular support appropriations; provided further, the Educational Opportunity Program enrollment shall not exceed 3,150 new enrollees in		2,350,000

Item		Amount
	1969–70; provided further, that these funds will be accounted for and reported separately and a report on the program's progress shall be submitted annually to the Joint Legislative Budget Committee by November 1. It is the intent of the Legislature that this program shall be operated by each college's chief administrative officer within guidelines established by the trustees.	
116.7—For support of Trustees of the California State Colleges and the California State Colleges, to be transferred to and in augmentation of their support appropriations, Budget Act of 1969, upon order of the Trustees of the California State Colleges, subject to being reported to the Department of Finance and the provisions of Section 31.5 of this act		5,000
	provided, that the funds appropriated in this item shall be available for student nursing grants at Fresno State College.	
117—For support of Trustees of the California State Colleges and the California State Colleges		271,964,421
	Schedule:	
	(a) Personal Services	280,283,866
	(b) Operating Expenses and Equipment	58,330,414
	(c) Reimbursements	-66,649,859
	provided, that the funds appropriated in the above schedule may be reallocated upon order of the Trustees of the California State Colleges subject to being reported to the Department of Finance and the provisions of Section 31.5 of this act.	
117.6—For support of Trustees of the California State Colleges and the California State Colleges		131,404
	Schedule:	
	(a) Personal Services	18,857
	(b) Operating Expenses and Equipment	112,547
	provided, that the funds appropriated in the above schedule may be reallocated upon order of the Trustees of the California State Colleges subject to being reported to the Department of Finance and the provisions of Section 31.5 of this act; and provided further, that in the event the statewide Academic Senate of the California State Colleges is elected by the faculty of the California State Colleges to act as the bargaining agent	

Item		Amount
for the faculty, and the statewide Academic Senate accepts this responsibility, on the effective date of such acceptance, the remaining unencumbered balances in this appropriation shall be unallotted.		
118—For support of California Maritime Academy, to be transferred to and in augmentation of Item 119, Budget Act of 1969, upon order of the Department of Finance		72,800
119—For support of California Maritime Academy		714,920
Schedule:		
(a) Personal Services	825,128	
(b) Operating Expenses and Equipment	310,035	
(c) Reimbursements	-201,243	
(d) Federal grants	-219,000	
120—For support of Board of Governors of the California Community Colleges		790,210
Schedule:		
(a) Personal Services	963,983	
(b) Operating Expenses and Equipment	257,050	
(c) Reimbursements	-430,823	
121—For support of State Scholarship and Loan Commission, to be transferred to and in augmentation of Item 122, Budget Act of 1969, upon order of the Department of Finance		1,006,300
122—For support of State Scholarship and Loan Commission		12,924,989
Schedule:		
(a) Personal Services	302,769	
(b) Operating Expenses and Equipment	12,714,821	
(c) Amount payable from the State Guaranteed Loan Reserve Fund (Item 123)	-92,601	
123—For support of State Scholarship and Loan Commission, payable from the State Guaranteed Loan Reserve Fund		92,601

FISCAL AFFAIRS

124—For support of State Board of Control		112,226
125—For support of State Controller		5,724,086
Schedule:		
(a) Personal Services	5,798,990	
(b) Operating Expenses and Equipment	1,612,145	
(c) Reimbursements	-370,596	

Item		Amount
(d) Amount payable from the Motor Vehicle Transportation Tax Fund (Item 126)	-146,560	
(e) Amount payable from the Motor Vehicle Fuel Fund (Item 127)	-944,541	
(f) Amount payable from the State School Building Aid Fund (Item 128)	-160,074	
(g) Amount payable from the Aeronautics Fund (Item 129)	-65,278	
The appropriation made by this item shall be in lieu of any allocation made pursuant to subdivision (d) of Section 30462 of the Revenue and Taxation Code during the 1969–70 fiscal year and no funds shall be allocated to the State Controller pursuant to Section 30462 during the 1969–70 fiscal year.		
126—For support of State Controller, payable from the Motor Vehicle Transportation Tax Fund		146,560
127—For support of State Controller, payable from the Motor Vehicle Fuel Fund		944,541
128—For support of State Controller, payable from the State School Building Aid Fund		160,074
129—For support of State Controller, payable from the Aeronautics Fund		65,278
130—For support of State Board of Equalization Schedule:		23,597,872
(a) Personal Services	24,871,093	
(b) Operating Expenses and Equipment	5,879,006	
(c) Reimbursements	-4,859,177	
(d) Amount payable from the Motor Vehicle Transportation Tax Fund (Item 131)	-1,043,384	
(e) Amount payable from the Motor Vehicle Fuel Fund (Item 132)	-1,249,666	
The appropriation made by this item shall be in lieu of any allocation made pursuant to subdivision (c) of Section 30462 of the Revenue and Taxation Code during the 1969–70 fiscal year and no funds shall be allocated to the State Board of Equalization pursuant to Section 30462 during the 1969–70 fiscal year.		
131—For support of State Board of Equalization, payable from the Motor Vehicle Transportation Tax Fund		1,043,384
132—For support of State Board of Equalization, payable from the Motor Vehicle Fuel Fund		1,249,666

Item		Amount
133—For support of Department of Finance, to be transferred to and in augmentation of Item 134, Budget Act of 1969, upon order of the Department of Finance ..... provided, that (a) Before any funds are expended for this system a report shall be prepared by the Finance Department and approved by the Joint Legislative Budget Committee. This report shall include a complete description of the system which will demonstrate that it has been designed to provide independent access to information by the Legislature with respect to budget information required by Section 6800 through 6830.2 of the State Administrative Manual, as amended January 1969, following the submission of the Governor's Budget, information in the Governor's Budget and the financial condition of the state; further provided, that (b) No funds shall be spent for the actual programming, conversion, testing, implementation or operation of this system until a report has been prepared by the Finance Department and approved by the Joint Legislative Budget Committee. This report shall include a detailed cost estimate for the total programming, conversion, testing, implementation and operation of this system. The report should also include a complete description of any planned increases in the scope of this system in the future, along with a cost estimate of this projected increase in scope. Provision (b) does not restrict the expenditure of funds for planning and design of the system.		88,600
134—For support of Department of Finance .... Schedule:		4,033,513
(a) Personal Services	3,660,216	
(b) Operating Expenses and Equipment	596,583	
(c) Reimbursements	-102,753	
(d) Amount payable from the Fair and Exposition Fund (Item 135)	-120,533	
135—For support of Department of Finance, payable from the Fair and Exposition Fund		120,533
136—For support of Franchise Tax Board, to be transferred to and in augmentation of Item 137, Budget Act of 1969, upon order of the Department of Finance		24,000

Item		Amount
137—For support of Franchise Tax Board		17,425,726
Schedule:		
(a) Personal Services	13,430,456	
(b) Operating Expenses and Equipment	3,995,270	
The appropriation made by this item shall be in lieu of any allocation made pursuant to subdivision (b) of Section 30462 of the Revenue and Taxation Code during the 1969–70 fiscal year and no funds shall be allocated to the Franchise Tax Board pursuant to Section 30462 during the 1969–70 fiscal year.		
138—For support of Department of Housing and Community Development		2,045,462
Schedule:		
(a) Personal Services	1,604,373	
(b) Operating Expenses and Equipment	441,089	
139—For support of State Treasurer		727,763
Schedule:		
(a) Personal Services	592,969	
(b) Operating Expenses and Equipment	297,924	
(bx) Unallocated Reduction	-25,664	
(c) Reimbursements	-137,466	

HEALTH AND WELFARE

140—For support of Department of Health Care Services, for administration of the medical assistance program pursuant to the provision of Chapter 4, Statutes of 1965, Second Extraordinary Session, to be transferred to and in augmentation of Item 141, Budget Act of 1969, upon order of the Department of Finance, payable from the Health Care Deposit Fund	54,806
141—For support of Department of Health Care Services, for administration of the medical assistance program pursuant to the provision of Chapter 4, Statutes of 1965, Second Extraordinary Session, payable from the Health Care Deposit Fund	7,548,670
and in addition thereto, any amounts received from federal grants or other sources; provided, that any rule or regulation adopted by the Director of the Department of Health Care Services during the 1969–70 fiscal year which adds to the cost of the medical assistance program shall only be effective from and after the date upon which it is approved as to	

Item		Amount
availability of funds by the Department of Finance; provided further, that upon order of the Director of Finance additional funds may be transferred from the Health Care Deposit Fund for the cost of administering the extension of Medical Assistance Program benefits to eligible mentally retarded persons under the care of the Department of Mental Hygiene as provided in Item 339 of this act.		
143—For support of California Commission on Aging		100,000
Schedule:		
(a) Personal Services	136,865	
(b) Operating Expenses and Equipment	495,596	
(bx) Unallocated Reduction	-29,356	
(c) Federal grants	-503,105	
144—For support of Department of Employment, for transfer by the State Controller to the Manpower Development Fund for expenditure for the work incentive program as specified in Section 5400 of the Unemployment Insurance Code (Chapter 1369, Statutes of 1968)		5,331,250
provided, that the State Controller shall transfer these funds only at such time as federal funds from the United States Department of Labor (Title IV of the Social Security Act of 1935, as amended by PL 90-248) are deposited in the Manpower Development Fund and no transfer so made shall exceed twenty-five (25) percent of the amount of federal funds so deposited; provided further, the amount available for transfer to the Manpower Development Fund shall be reduced by the amounts in cash or in kind available from other sources as the state's share of the work incentive program as determined by the State Department of Employment and certified to the State Controller.		
145—For administration of unemployment compensation disability benefits, Department of Employment, payable from the Unemployment Compensation Disability Fund		12,412,191
Schedule:		
(a) Personal Services	9,792,818	
(b) Operating Expenses and Equipment	2,619,373	
146—For support of Department of Employment, payable from the Department of Employment Contingent Fund		577,956

Item	Amount
and in addition thereto, any grants made available by the federal government; provided, that all or any portion of this appropriation may be transferred to the Unemployment Administration Fund upon executive order of the Department of Finance.	
146.6—To Department of Employment for implementation of Title V, of the Manpower Development Training Act ---------- provided, that none of this appropriation shall be available for expenditure unless federal funds are allocated on a 75-percent–25-percent matching basis as provided in Title V of the Manpower Development and Training Act of 1962, as amended; provided further, that no money shall be expended from this item until approved by the Department of Finance and reported to the Joint Legislative Budget Committee for review.	1,000,000
147—For allocation by executive order of the Department of Finance to state agencies in augmentation of their support and local assistance appropriations as provided in the Budget Act of 1969, for expenditure for Migrant Master Plan Day Care Services------- and in addition thereto, any amounts received from federal grants or other sources.	97,500
148—For support of California Office of Economic Opportunity in the Governor's office-------- and in addition, any amounts received from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.	57,225
Schedule:	
(a) Technical assistance program ---------- 359,768	
(b) Migrant program ---------- 209,288	
(c) Federal grants ---------- -511,831	
149—For payment to various local jurisdictions and state agencies for support of the Migrant Master Plan in cooperation with the federal government programs, resulting from the Economic Opportunity Act, Department of Finance ----------	249,735
Schedule:	
(a) Operations ---------- 1,100,000	
(b) Federal grants ---------- -850,265	
provided, that upon transfer of the Migrant Master Plan to the Department of Human Resources Development, pursuant to Chapter	

Item		Amount
	1460, Statutes of 1968, this appropriation shall be transferred to the Department of Human Resources Development and shall be available for the purposes for which appropriated.	
150	For allocation by executive order of the Department of Finance for support of the Service Center Program, and to state agencies to be transferred to, and in augmentation of, their support and local assistance appropriations as provided for in the Budget Act of 1969, for expenditure for the Service Center Program to be paid from the several funds, to be transferred to and in augmentation of Item 151(a), Budget Act of 1969 and in addition thereto, any amounts received from federal grants or other sources.	447,415
151	To the Department of Finance for allocation by executive order for support of the Service Center Program, and to state agencies to be transferred to, and in augmentation of, their support and local assistance appropriations as provided for in the Budget Act of 1969, for expenditure for the Service Center Program to be paid from the several funds Schedule: (a) General Fund ..... 3,694,658 (b) Department of Employment Contingent Fund ..... 265,706 Nothing herein contained shall be construed to require or permit the allocation for such expenditure of moneys provided by the federal government, in amounts exceeding or in any other way in contravention of the requirements, limitations, and restrictions imposed by or under the authority of federal law.	3,960,364
152	For support of rehabilitation element in the service center program, Department of Rehabilitation Schedule: (a) Support ..... 4,082,779 (b) Federal grants ..... -3,266,223	816,556
153	For support of State Advisory Commission on Indian Affairs, including the expenses of the advisory committee	14,447
154	For support of Department of Mental Hygiene and agencies under the jurisdiction of the department, to be transferred to and in augmentation of the support and local assistance appropriations, Budget Act of 1969, of the Department of Mental Hygiene and	

Item		Amount
	agencies under the jurisdiction of the department, upon order of the Department of Finance	4,889,890
155—For support of Department of Mental Hygiene		6,726,767
Schedule:		
(a) Personal Services	5,918,409	
(b) Operating Expenses and Equipment	2,627,650	
(c) Reimbursements	-1,120,395	
(d) Federal grants	-698,897	
156—For research projects, Department of Mental Hygiene, to be expended only on allocations to agencies of the Department of Mental Hygiene authorized by the Department of Finance		1,364,142
And in addition, any amounts received for research projects from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.		
157—For support of Langley Porter Neuropsychiatric Institute and Neuropsychiatric Institute at University of California at Los Angeles, Department of Mental Hygiene		13,168,380
Schedule:		
(a) Personal Services	10,762,958	
(b) Operating Expenses and Equipment	2,405,422	
provided, that upon approval of the Department of Finance, the State Controller shall transfer to the Department of Rehabilitation such part of these appropriations that are related to the cooperative rehabilitation services program to match federal funds for the cooperative rehabilitation services program; provided further, that such transfer shall enable the state to make maximum utilization of available federal funds.		
158—For support of the hospitals for the mentally ill for judicially committed patients, mentally retarded patients, patients committed pursuant to the Penal Code and those mentally ill patients whose county of residence is not participating in a local mental health program as provided in Division 5 of the Welfare and Institutions Code, Department of Mental Hygiene		30,589,976
provided, that any portion of this item may be transferred upon order of the Department of Finance to Item 339 of this act for assist-		

Item		Amount
	ance to local agencies for mental health services. Provided further, that upon approval of the Department of Finance, the State Controller shall transfer to the Department of Rehabilitation such part of these appropriations that are related to the cooperative rehabilitation services program to match federal funds for the cooperative rehabilitation services program; provided further, that such transfer shall enable the state to make maximum utilization of available federal funds; and provided further, that upon approval of the Director of Finance, the State Controller shall transfer to the appropriation for support of the Department of Social Welfare, Item 166, Budget Act of 1969, any funds not required by the Department of Mental Hygiene due to the increased placement of mentally retarded patients in appropriate community facilities by the Department of Social Welfare over that level anticipated in the 1969 budget. The purpose of this section is to accelerate the placement of suitable hospitalized mentally retarded patients in appropriate community facilities.	
159—For support of the hospitals for the mentally retarded, Department of Mental Hygiene____ Schedule: (a) Personal Services _____54,510,677 (b) Operating Expenses and Equipment _____ 7,459,620 (c) Reimbursements _____ −88,800 provided, that upon approval of the Department of Finance, the State Controller shall transfer to the Department of Rehabilitation such part of these appropriations that are related to the cooperative rehabilitation services program to match federal funds for the cooperative rehabilitation services program; provided further, that such transfer shall enable the state to make maximum utilization of available federal funds; provided further, that upon approval of the Director of Finance, the State Controller shall transfer to the appropriation for support of the Department of Social Welfare, Item 166, Budget Act of 1969, any funds not required by the Department of Mental Hygiene due to the increased placement of mentally retarded patients in appropriate community facilities by		61,881,497

Item	Amount
the Department of Social Welfare over that level anticipated in the 1969 budget. The purpose of this section is to accelerate the placement of suitable hospitalized mentally retarded patients in appropriate community facilities.	
160—For support of Department of Public Health, to be transferred to and in augmentation of Item 161, Budget Act of 1969, upon order of the Department of Finance.. provided, that the appropriation made by this item for the Community Water Supplies Study—Delano Area, shall be available for expenditure only after the Director of Public Health has certified to the Department of Finance that sufficient federal funds are not available for the study.	442,943
161—For support of Department of Public Health Schedule:	11,310,295
(a) Personal Services 13,468,383	
(b) Operating Expenses and Equipment 5,604,563	
(c) Reimbursements ..... -2,531,982	
(d) Amount Payable from the Motor Vehicle Fund (Item 164) ..... -64,795	
(e) Federal grants ..... -5,165,874	
In its administration of departmental staffed special projects, the Department of Public Health shall establish appropriate internal review procedures to which all proposed special projects shall be subject. The department shall include in the 1970–71 budget only those special projects which are ongoing and funded. The department shall submit all new project proposals, together with detailed justification to the State Health Planning Council for its review. Subsequent to the council's review, the new proposals shall be submitted to the Department of Finance and the Legislative Analyst prior to the submission of such projects to the funding agency. The Department of Public Health shall limit expenditures for departmental staffed special projects to the budgeted amount of $5,267,000 during the 1969–70 fiscal year, except that this limitation shall not apply to federal funds which flow through the department to local agencies.	

Item		Amount
162—For support of Regional Dialysis Centers, established pursuant to Article 7.7 (commencing with Section 417), Chapter 2, Part 1, Division 1, of the Health and Safety Code, Department of Public Health		311,195
Schedule:		
(a) Personal Services	5,059	
(b) Operating Expenses and Equipment	306,136	
163—For a pilot project 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 the Health and Safety Code, Department of Public Health		200,000
164—For support of Department of Public Health, payable from the Motor Vehicle Fund		64,795
165—For support of Department of Rehabilitation		4,136,007
Schedule:		
(a) Personal Services	17,360,756	
(b) Operating Expenses and Equipment	29,839,998	
(c) Work Evaluation Program	2,720,000	
(d) Reimbursements	-3,508,090	
(e) Federal grants	-29,857,393	
(f) Federal grants—Cooperative Rehabilitation Services	-12,419,264	
provided, that upon approval of the Department of Finance, the State Controller shall transfer to and in augmentation of this item from other items in this act which make appropriations from the General Fund, such part of the appropriations that are related to the cooperative rehabilitation services program and are necessary to match federal funds for this program.		
Provided further, that such transfers shall enable the state to make maximum utilization of available federal funds; provided further, that the project "Development of New Techniques and Methods to Expedite Vocational Rehabilitation Services" is limited to the 1969–1970 fiscal year with the Department of Rehabilitation to submit a full report and rejustify the project if proposed for extension.		

Item		Amount
165.5—For support of State Board of Guide Dogs for the Blind, Department of Rehabilitation		2,783
166—For support of Department of Social Welfare, to be transferred to and in augmentation of Item 167, Budget Act of 1969, upon order of the Department of Finance and in addition thereto, any amount received from federal grants or other sources; provided, that all funds transferred to this item from Items 158, 159, and 344 of this act shall be used to accelerate the placement of suitable hospitalized mentally retarded patients in appropriate community facilities.		626,500
167—For support of Department of Social Welfare. Such appropriation, together with any grants made available by the federal government for support of the Department of Social Welfare during the 1969–70 fiscal year		16,704,342
Schedule:		
(a) Personal Services	18,280,666	
(b) Operating Expenses and Equipment	9,526,183	
(c) Reimbursements	-1,681,630	
(d) Federal grants	-9,420,877	
provided, that any rule or regulation adopted by the Director of the State Department of Social Welfare during the 1969–70 fiscal year which adds to the cost of any public assistance program shall only be effective from and after the date upon which it is approved as to availability of funds by the Department of Finance. All such additional costs shall be reported by the Department of Finance to the Joint Legislative Budget Committee quarterly.		

INDUSTRIAL RELATIONS

168—For support of Department of Industrial Relations, to be transferred to and in augmentation of Item 169, Budget Act of 1969, upon order of the Department of Finance		82,308
169—For support of Department of Industrial Relations		22,698,259
Schedule:		
(a) Personal Services	19,451,816	
(b) Operating Expenses and Equipment	3,892,563	
(c) Reimbursements	-137,167	
(d) Federal grants	-508,953	

Item		Amount
	provided, the apprenticeship information program funded by this item shall be operative during the 1969–70 fiscal year only and any budgetary request for its continuance shall be submitted apart from the support budget request of the Department of Industrial Relations; further provided, the department shall submit to the Joint Legislative Budget Committee no later than the fifth legislative day of the 1970 Regular Session a report detailing the accomplishments of the apprenticeship information program including, but not limited to, the number of applicants interviewed, the number of apprenticeship referrals made, and the number of applicants selected for apprenticeship training as a result of the programs' activities. Such reports shall serve as a basis for legislative determination of the feasibility of continuing the program beyond 1969–70.	
170—For support of State Fire Marshal		969,310
Schedule:		
(a) Personal Services	1,048,317	
(b) Operating Expenses and Equipment	206,582	
(c) Reimbursements	–164,189	
(d) Amount payable from Dry Cleaners' Fund (Item 171)	–121,400	
171—For support of State Fire Marshal, payable from the Dry Cleaners' Fund to be transferred to and in augmentation of Item 170, Budget Act of 1969.		121,400
172—For payment of the additional compensation for subsequent injury provided for by Sections 4750 through 4755 of the Labor Code, Department of Industrial Relations		1,444,000
JUSTICE		
173—For support of Department of Justice, to be transferred to and in augmentation of Item 175, Budget Act of 1969, upon order of the Department of Finance		855,893
174—For support of Department of Justice and implementation of the Criminal Justice Information System, to be transferred to and in augmentation of Item 175, Budget Act of 1969, upon order of the Department of Finance, payable from the Motor Vehicle Fund		189,537

Item		Amount
175—For support of Department of Justice		18,948,789
Schedule:		
(a) Personal Services	16,335,192	
(b) Operating Expenses and Equipment	5,214,294	
(c) Reimbursements	-2,600,697	
176—For support of Department of Justice and for development, acquisition and installation of the California Law Enforcement Telecommunications System, payable from the Motor Vehicle Fund		1,574,892
177—For support of Commission on Peace Officers' Standards and Training, payable from the Peace Officers' Training Fund		380,200
Schedule:		
(a) Personal Services	263,188	
(b) Operating Expenses and Equipment	122,838	
(c) Federal grants	-5,826	
178—For support of California Council on Criminal Justice		75,000
179—For support of California Crime Technological Research Foundation		75,000
180—For the administration, investigation, adjustment, defense and payment of tort liability claims, settlements, compromises and judgments against the state, its officers, servants and employees, for expenditure by the Department of Justice in its discretion in respect to, state agencies, departments, boards, bureaus or commissions supported from the General Fund; or for the purchase of insurance protecting the state, its officers, servants and employees against such tort liability claims, including the defense of such claims whether or not liability exists, Department of Justice and in addition thereto, there is hereby appropriated to the Department of Justice from each fund, other than the General Fund, an amount from each such fund sufficient to pay the cost of administration, investigation, adjustment, defense and payment of tort liability claims, settlements, compromises and judgments against the state or the state agency supported from such fund, arising from activities of such state agency, or for the purchase of insurance protecting the state, its officers, servants and employees of such state agency against tort liability claims and for the defense of such claims whether or not liability exists; and provided further, that any		2,219,262

Item		Amount
	funds appropriated herein may be expended for either, or any combination, of the purposes specified herein.	
181—For the payment of claims and Attorney General services pursuant to Chapter 5 (commencing with Section 13960) of Part 4 of Division 3 of Title 2 of the Government Code, State Board of Control		125,000
	Schedule:	
	(a) Claims 100,000	
	(b) Attorney General services... 25,000	
	and in addition thereto, there is hereby appropriated for the purpose of this item any amount on deposit in the Indemnity Fund, pursuant to Section 13964 of the Government Code.	
	MILITARY AFFAIRS	
182—For support of Military Department, to be transferred to and in augmentation of Item 183, Budget Act of 1969, upon order of the Department of Finance		75,243
	and in addition thereto, any amounts received from federal grants or other sources.	
183—For support of Military Department		4,141,499
	Schedule:	
	(a) Personal Services 3,423,222	
	(b) Operating Expenses and Equipment 1,530,036	
	(c) Reimbursements ..... -55,631	
	(d) Federal grants ..... -756,128	
	provided, that no expenditures shall be made from this appropriation as a substitution for personnel, equipment, facilities, or other assistance, or for any portion thereof, which in the absence of such expenditure, or of this appropriation, would be available to the Commanding General of the State Military Forces, the California National Guard or the California National Guard Reserve from the federal government; provided further, that the monthly rate for space to be occupied by the Military Department in the Motor Vehicle Building shall be established at twenty-two and eight-tenths cents, ($0.228) per square foot during the period of occupancy by the Military Department.	
184—For payment of military retirements, in accordance with the provisions of Sections 228 and 256 of the Military and Veterans Code, Military Department		230,588

Item		Amount
185—For support of California Cadet Corps		90,376
Schedule:		
(a) Personal Services	47,118	
(b) Operating Expenses and Equipment	43,258	

REGULATION AND LICENSING

186—For support of Department of Alcoholic Beverage Control		5,850,159
Schedule:		
(a) Personal Services	4,669,380	
(b) Operating Expenses and Equipment	1,200,779	
(c) Reimbursements	-20,000	
187—For support of Alcoholic Beverage Control Appeals Board		135,268
Schedule:		
(a) Personal Services	107,036	
(b) Operating Expenses and Equipment	28,232	
188—For support of State Banking Department, payable from the State Banking Fund		1,340,197
Schedule:		
(a) Personal Services	1,106,274	
(b) Operating Expenses and Equipment	233,923	
189—For support of Department of Corporations		3,054,310
Schedule:		
(a) Personal Services	3,393,973	
(b) Operating Expenses and Equipment	620,337	
(c) Reimbursements	-960,000	
190—For support of California Districts Securities Commission		183,876
Schedule:		
(a) Personal Services	145,949	
(b) Operating Expenses and Equipment	37,927	
191—For support of California Horse Racing Board, payable from the Fair and Exposition Fund		334,345
Schedule:		
(a) Personal Services	238,961	
(b) Operating Expenses and Equipment	95,384	
192—For support of Department of Insurance		4,216,041
Schedule:		
(a) Personal Services	3,484,854	
(b) Operating Expenses and Equipment	781,187	
(c) Reimbursements	-50,000	

Item		Amount
193—For support of Board of Pilot Commissioners for the Harbor of San Diego		1,200
194—For support of Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun, payable from the Board of Pilot Commissioners' Special Fund		27,472
Schedule:		
(a) Personal Services	18,611	
(b) Operating Expenses and Equipment	8,861	
195—For support of Board of Harbor Commissioners for Humboldt Bay		2,940
196—For support of Department of Professional and Vocational Standards, payable from the Professional and Vocational Standards' Fund, pursuant to the provisions of Sections 203 and 405 of the Business and Professions Code		3,399,539
Schedule:		
(a) Personal Services	2,202,084	
(b) Operating Expenses and Equipment	1,267,427	
(c) Reimbursements	-69,972	
197—For support of State Board of Accountancy, payable from the Accountancy Fund		359,759
Schedule:		
(a) Personal Services	132,202	
(b) Operating Expenses and Equipment	227,557	
198—For support of California State Board of Architectural Examiners, payable from the California State Board of Architectural Examiners' Fund		146,776
199—For support of State Athletic Commission		177,607
200—For support of State Board of Barber Examiners, payable from the State Board of Barber Examiners' Fund		472,236
Schedule:		
(a) Personal Services	119,601	
(b) Operating Expenses and Equipment	352,635	
201—For support of Cemetery Board, payable from the Cemetery Fund		76,429
202—For support of Board of Chiropractic Examiners, payable from the State Board of Chiropractic Examiners' Fund		106,122
203—For support of Collection Agency Licensing Bureau, Department of Professional and Vocational Standards, payable from the Collection Agency Fund		213,004

Item		Amount
Schedule:		
(a) Personal Services	92,126	
(b) Operating Expenses and Equipment	120,878	
204—For support of Contractors' State License Board, payable from the Contractors' License Fund		2,513,728
Schedule:		
(a) Personal Services	1,627,491	
(b) Operating Expenses and Equipment	886,237	
205—For support of State Board of Cosmetology, payable from the Board of Cosmetology's Contingent Fund		816,750
Schedule:		
(a) Personal Services	266,579	
(b) Operating Expenses and Equipment	550,171	
206—For support of Board of Dental Examiners of California, payable from the State Dentistry Fund		237,380
Schedule:		
(a) Personal Services	104,747	
(b) Operating Expenses and Equipment	132,633	
207—For support of State Board of Dry Cleaners, payable from the Dry Cleaners' Fund		347,884
Schedule:		
(a) Personal Services	96,110	
(b) Operating Expenses and Equipment	251,774	
208—For support of Bureau of Electronic Repair Dealer Registration, Department of Professional and Vocational Standards, payable from the Electronic Repair Dealer Registration Fund		274,537
Schedule:		
(a) Personal Services	122,872	
(b) Operating Expenses and Equipment	161,704	
(c) Reimbursements	-10,039	
209—For support of Bureau of Employment Agencies, Department of Professional and Vocational Standards, payable from the Bureau of Employment Agencies Fund		143,290
210—For support of State Board of Funeral Directors and Embalmers, payable from the State Funeral Directors and Embalmers' Fund		110,146

Item		Amount
211—For support of Bureau of Furniture and Bedding Inspection, Department of Professional and Vocational Standards, payable from the Bureau of Furniture and Bedding Inspection Fund		333,607
Schedule:		
(a) Personal Services	156,427	
(b) Operating Expenses and Equipment	310,787	
(c) Unallocated Reduction	-133,607	
212—For support of State Board of Registration for Geologists, payable from the Geology Fund		55,449
214—For support of California State Board of Landscape Architects, payable from the State Board of Landscape Architects' Fund		38,981
215—For support of Board of Medical Examiners of the State of California, payable from the Contingent Fund of the Board of Medical Examiners		1,002,942
Schedule:		
(a) Personal Services	315,318	
(b) Operating Expenses and Equipment	695,624	
(c) Reimbursements	-8,000	
216—For support of Board of Medical Examiners of the State of California, payable from the Physical Therapy Fund		26,933
217—For support of California Board of Nursing Education and Nurse Registration, payable from the California Board of Nursing Education and Nurse Registration Fund		669,712
Schedule:		
(a) Personal Services	325,696	
(b) Operating Expenses and Equipment	344,016	
218—For support of State Board of Optometry, payable from the State Optometry Fund		80,888
219—For support of Board of Osteopathic Examiners of the State of California, payable from the Contingent Fund of the Board of Osteopathic Examiners		9,794
220—For support of California State Board of Pharmacy, payable from the Pharmacy Board Contingent Fund, to be transferred to and in augmentation of Item 221, Budget Act of 1969, upon order of the Department of Finance		25,942
221—For support of California State Board of Pharmacy, payable from the Pharmacy Board Contingent Fund		634,691

Item		Amount
Schedule:		
(a) Personal Services	301,860	
(b) Operating Expenses and Equipment	332,831	
222—For support of Bureau of Private Investigators and Adjusters, Department of Professional and Vocational Standards, payable from the Private Investigator and Adjuster Fund		116,268
223—For support of State Board of Registration for Professional Engineers, payable from the Professional Engineers' Fund, to be transferred to and in augmentation of Item 224, Budget Act of 1969, upon order of the Department of Finance		15,000
224—For support of State Board of Registration for Professional Engineers, payable from the Professional Engineers' Fund		663,542
Schedule:		
(a) Personal Services	425,453	
(b) Operating Expenses and Equipment	238,089	
225—For support of Certified Shorthand Reporters Board, payable from the Shorthand Reporters' Fund		36,215
226—For support of Social Worker and Marriage Counselor Qualifications Board of the State of California, payable from the Social Worker and Marriage Counselor Fund		68,495
227—For support of Structural Pest Control Board, payable from the Structural Pest Control Fund		541,726
Schedule:		
(a) Personal Services	163,391	
(b) Operating Expenses and Equipment	378,335	
228—For support of Board of Examiners in Veterinary Medicine, payable from the Board of Veterinary Examiners' Contingent Fund		84,597
229—For support of Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California, payable from the Vocational Nurse and Psychiatric Technician Examiners' Fund		243,987
Schedule:		
(a) Personal Services	125,545	
(b) Operating Expenses and Equipment	129,346	
(c) Reimbursements	-10,904	

Item		Amount
230—For support of Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California, payable from the Vocational Nurse and Psychiatric Technician Examiners' Fund from those moneys deposited under the provisions of Section 4547 of the Business and Professions Code		53,660
231—For support of Public Utilities Commission Schedule:		6,694,327
(a) Personal Services	9,846,260	
(b) Operating Expenses and Equipment	2,250,980	
(c) Reimbursements	-90,000	
(d) Amount payable from the Transportation Rate Fund (Item 232)	-5,312,913	
232—For support of Public Utilities Commission, payable from the Transportation Rate Fund		5,312,913
233—For support of Department of Real Estate, payable from the Real Estate Fund		3,011,572
Schedule:		
(a) Personal Services	2,371,613	
(b) Operating Expenses and Equipment	1,019,613	
(c) Amount payable from the Real Estate Education, Research and Recovery Fund—Education Research (Item 234(a))	-251,654	
(d) Amount payable from the Real Estate Education, Research and Recovery Fund—Recovery Act (Item 234(b))	-128,000	
234—For educational, research and recovery needs of the real estate industry in California, payable from the Real Estate Education, Research and Recovery Fund		512,854
Schedule:		
(a) Education Research	384,854	
(b) Recovery Act	128,000	
to be allocated by the Department of Finance in amounts as it finds necessary to the University of California, exempt from Section 31 of this act, and to the Department of Real Estate, to carry out the provisions of Section 10451.5 of the Business and Professions Code.		
235—For support of Department of Savings and Loan, payable from the Savings and Loan Inspection Fund		2,797,368

Item		Amount
Schedule:		
(a) Personal Services	2,249,697	
(b) Operating Expenses and Equipment	597,671	
(c) Reimbursements	−50,000	

RESOURCES

236—For support of the Department of Conservation, to be transferred to and in augmentation of Item 237, Budget Act of 1969, upon order of the Department of Finance		453,873
237—For support of Department of Conservation		35,690,976
Schedule:		
(a) Personal Services	34,823,134	
(b) Operating Expenses and Equipment	11,149,425	
(c) Emergency Fire Suppression and Detection	200,000	
(d) Reimbursements	−9,208,887	
(e) Amount payable from Petroleum and Gas Fund (Item 238)	−1,142,195	
(f) Amount payable from Petroleum and Gas Fund—Geothermal Resources Account (Item 239)	−12,000	
(g) Amount payable from Subsidence Abatement Fund (Item 240)	−118,501	
provided, that an amount not more than $1,000,000 in emergency fire suppression and detection costs and related emergency revegetation costs, which exceed the amount scheduled in (c) can be expended from the amounts contained in schedules (a) and (b) without approval of the Department of Finance.		
238—For support of Department of Conservation, in carrying out the functions of the Division of Oil and Gas, payable from the Petroleum and Gas Fund		1,142,195
239—For support of Department of Conservation, in carrying out the functions of the Division of Oil and Gas, payable from the Petroleum and Gas Fund—Geothermal Resources Account		12,000
240—For support of Department of Conservation, in carrying out the functions of the Division of Oil and Gas, payable from the Subsidence Abatement Fund		118,501

Item		Amount
241—For allotment, pursuant to Section 4132 of the Public Resources Code, for the prevention and suppression of forest fires on state responsibility lands within the counties shown below, Department of Conservation		2,646,669
Schedule:		
(a) Kern County	658,873	
(b) Los Angeles County	1,034,397	
(c) Marin County	212,833	
(d) Santa Barbara County	361,138	
(e) Ventura County	379,428	
242—For direct allotment to the United States Forest Service, for prevention and suppression of forest fires on private and state-owned lands located within and adjacent to the boundaries of United States national forests within this state, Department of Conservation		1,581,298
243—For expenditure by the Department of Conservation		374,699
Schedule:		
(a) White pine blister rust control	65,000	
(b) Wild land vegetation and soil mapping	158,075	
(c) Forest and fire research	149,374	
(d) Geological exploration	2,250	
provided that, any amount withdrawn from item (d) above must be matched by an expenditure of a like amount by the federal government in this state for this purpose.		
244—For support of State Lands Division, State Lands Commission, Department of Conservation, to be transferred to and in augmentation of Item 245, Budget Act of 1969, upon order of the Department of Finance		64,075
245—For support of State Lands Division, State Lands Commission, Department of Conservation		1,758,854
Schedule:		
(a) Personal Services	2,171,025	
(b) Operating Expenses and Equipment	518,478	
(c) Reimbursements	–145,540	
(d) Amounts payable under the provisions of Chapter 138, Statutes of 1964	–785,109	
247—For support of Department of Fish and Game, and for the maintenance and construction of fish screens and other stream improvements, payable from moneys in the Fish and Game		

Item		Amount
	Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item---	15,172,763
	Schedule:	
	(a) Personal Services ---------11,213,128	
	(b) Operating Expenses and Equipment ---------- 5,743,645	
	(c) Reimbursements ----------1,218,260	
	(d) Federal reimbursements --- -565,750	
247.5	—For payment to Tahoe City Public Utility District, Department of Fish and Game, payable from moneys in the Fish and Game Preservation Fund, including revenue subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item-------	8,900
248	—To pay for the purchase of land for game production, improvement of waterfowl areas and research in game management under the provisions of the Pittman-Robertson Act, fish restoration and management projects under the provisions of the Dingell-Johnson Act, and commercial fisheries research and development projects under the provisions of the Commercial Fisheries Research and Development Act (Bartlett Act), Department of Fish and Game, payable from moneys in the Fish and Game Preservation Fund, including revenue subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item ----------	2,866,400
	Schedule:	
	(a) Pittman-Robertson program 1,789,200	
	(b) Dingell-Johnson program -- 686,800	
	(c) Bartlett program --------- 390,400	
	provided, that any moneys received from the federal government in reimbursement of expenditures from this item shall be credited to this appropriation and reverted to the unappropriated balance of the Fish and Game Preservation Fund.	
249	—For state's share of the expenses of the Pacific Marine Fisheries Commission, in accordance with the Pacific Marine Fisheries Compact, Department of Fish and Game, payable from moneys in the Fish and Game Preservation	

Item		Amount
Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item		15,300
250—For research in the development of commercial fisheries of the Pacific Ocean and of marine products, Marine Research Committee, payable from the Fish and Game Preservation Fund from revenues derived under the provisions of Section 8046 of the Fish and Game Code		67,500
251—For support of Wildlife Conservation Board, payable from the Wildlife Restoration Fund		116,050
Schedule:		
(a) Personal Services	79,250	
(b) Operating Expenses and Equipment	36,800	
provided, that any money in the Wildlife Restoration Fund in excess of the appropriation made by this item shall continue to be available pursuant to Section 1352 of the Fish and Game Code.		
252—For support of Department of Harbors and Watercraft, to be transferred by the State Controller to and in augmentation of Item 253 of this act		5,202
253—For support of Department of Harbors and Watercraft; and in addition thereto, any amounts received from sale of registration lists, payable from the Harbors and Watercraft Revolving Fund		1,053,212
Schedule:		
(a) Personal Services	649,046	
(b) Operating Expenses and Equipment	464,450	
(c) Reimbursements	–24,462	
(d) Amount payable from General Fund (Item 252)	–5,202	
(e) Amount payable from Yacht and Ship Brokers' Fund (Item 254)	–30,620	
254—For support of Department of Harbors and Watercraft, payable from the Yacht and Ship Brokers' Fund		30,620
255—For support of the Department of Parks and Recreation, to be transferred to and in augmentation of Item 256, Budget Act of 1969, upon order of the Department of Finance		440,843

Item		Amount
256—For support of Department of Parks and Recreation		17,058,406
Schedule:		
(a) Personal Services	14,279,244	
(b) Operating Expenses and Equipment	5,246,301	
(c) Reimbursements	-1,175,309	
(d) Amount payable from Item 257	-1,291,830	
257—For support of the Department of Parks and Recreation to be transferred to, and in augmentation of, Item 256 of this act by the State Controller		1,291,830
provided, that these funds shall be available only for expenditure at Hearst San Simeon State Historical Monument; and further provided, that any revenue in excess of these expenditures derived from Hearst San Simeon State Historical Monument, as determined by the Director of the Department of Parks and Recreation, shall be transferred to a special account in the General Fund, and shall be available only for appropriation by the Legislature for maintenance and capital outlay at Hearst San Simeon State Historical Monument.		
259—For transfer to the California Water Resources Development Bond Fund, to be transferred by the State Controller, from time to time, in such amounts as the Department of Finance may authorize, for payment of accumulated operation and maintenance costs allocable to recreational benefits of the California Water Facilities Program		400,000
provided, this appropriation shall be deemed a progress payment pursuant to Section 11913 of the Water Code and shall be subject to redetermination upon subsequent approval of cost allocations by the Legislature under the provisions of Section 11912 of the Water Code.		
260—For transfer to the Water Resources Revolving Fund, to be transferred by the State Controller in such amounts as the Department of Finance may authorize, for support of Department of Water Resources, including cooperative work with other agencies		10,509,680
Schedule:		
(a) General management	5,553,716	
(b) Water resources evaluation	2,931,684	
(c) Water use and demand	625,282	

Item		Amount
	(d) Planning for water development	2,284,281
	(e) Protection of water resources	898,010
	(f) Control of floods and prevention of damage	3,406,261
	(g) Services to other agencies	599,088
	(h) Technical services	19,994
	(i) Operations	55,080
	(j) Reduction to be allocated to programs	-310,000
	(k) General Fund reimbursements	-871,933
	(*l*) Other reimbursements	-4,681,783
	provided, that the money so transferred be placed in a special account in that fund and shall not be available for expenditure after June 30, 1970, and any unencumbered balances shall be returned to the General Fund as of June 30, 1970; and provided further, that any amount withdrawn from this item and expended for work in the federal cooperative program must be matched by an expenditure of like amount by the federal government in this state for this purpose; provided further, that with the approval of the Department of Finance, funds included in (d) of the above schedule may be made available for the Lower Salinas Valley Seawater Intrusion Study.		
261	—For support of State Air Resources Board		679,305
	Schedule:		
	(a) Personal Services	1,199,384	
	(b) Operating Expenses and Equipment	716,849	
	(c) Amount payable from Motor Vehicle Fund (Item 262)	-1,236,928	
262	—For support of State Air Resources Board, payable from the Motor Vehicle Fund		1,236,928
263	—For support of State Water Resources Control Board, to be transferred to and in augmentation of Item 264, Budget Act of 1969, upon order of the Department of Finance		300,000
264	—For support of State Water Resources Control Board		2,742,184
	Schedule:		
	(a) Personal Services	2,473,306	
	(b) Operating Expenses and Equipment	932,778	
	(c) Reimbursements	-40,000	
	(d) Federal grants	-623,900	

Item		Amount
266—For support of Reclamation Board		300,000
267—For support of Colorado River Board of California		289,426
Schedule:		
(a) Personal Services	232,415	
(b) Operating Expenses and Equipment	57,011	
268—For support of any advisory committee appointed pursuant to Article 4 (commencing with Section 190), Chapter 2, Division 1, of the Water Code, to be expended only upon authorization of the chairman of the advisory committee		6,000
269—For support of Klamath River Compact Commission		7,575
270—For support of California-Nevada Interstate Compact Commission		15,600
271—For support of San Francisco Bay Conservation and Development Commission, to be transferred to and in augmentation of Item 272, Budget Act of 1969, upon order of the Department of Finance		77,785
272—For support of San Francisco Bay Conservation and Development Commission		98,103
Schedule:		
(a) Personal Services	71,303	
(b) Operating Expenses and Equipment	26,800	
273—For support of the protected waterways program, Resources Agency		67,768
274—For support of the protected waterways program, Resources Agency, payable from the Harbors and Watercraft Revolving Fund		7,733
275—For support of the protected waterways program, Resources Agency, payable from moneys in the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item		24,397
276—For preparation of California Comprehensive Ocean Area Plan, Resources Agency and in addition thereto, any amounts received from federal grants or other sources.		50,000
276.5—For land, easements and rights-of-way, including but not limited to, borrow pits, spoil areas and easements for levees, clearing, flood control works and flowage, and for appraisals, surveys, and engineering studies necessary for the completion or operation of the following		

Item		Amount
	projects in the Sacramento and San Joaquin watersheds as authorized by Section 8617.1 and Sections 12570 through 12875 of the Water Code; and for advances to the federal government or payments to the federal government or others for incidental construction or reconstruction items which are an obligation of the state in connection with the completion or operation of the aforesaid projects and for materials and necessary construction, reconstruction, relocation, or alterations to highways, railroads, bridges, powerlines, communication lines, pipelines, irrigation works and other structures and facilities and for appraisals, surveys and engineering studies incident thereto, Resources Agency	2,990,600
	Schedule:	
	(a) Sacramento River and Tributaries Flood Control Project	449,416
	(b) San Joaquin River and Tributaries Flood Control Project	257,834
	(c) Fresno River Flood Control Project	298,042
	(d) Chowchilla River Flood Control Project	113,273
	(e) Mormon Slough Flood Control Project	313,370
	(f) Sacramento River Bank Project	938,017
	(g) Nelson Bend Project	583,208
	(h) Cache Creek Settling Basin	37,440
	Notwithstanding the provisions of Section 2.2 of this act, the amount in this item shall be available for expenditure only during the 1969–70 fiscal year; and provided further, that this item shall be exempt from the provisions of Section 7 of this act; and provided further, that the Secretary of the Resources Agency shall allocate the funds appropriated by this item to the Reclamation Board and the Department of Water Resources to achieve as nearly as is legally possible an integrated, statewide flood control program administered and executed by the Department of Water Resources.	

TRANSPORTATION

Item		Amount
277—For support of Department of Aeronautics, payable from the Aeronautics Fund		441,640
Schedule:		
(a) Personal Services	253,474	
(b) Operating Expenses and Equipment	193,666	
(c) Reimbursements	-5,500	
279—For support of Department of the California Highway Patrol, to be transferred to and in augmentation of Item 280, Budget Act of 1969, payable from the Motor Vehicle Fund		169,591
280—For support of Department of the California Highway Patrol, payable from the Motor Vehicle Fund		113,342,718
Schedule:		
(a) Personal Services	93,901,707	
(b) Operating Expenses and Equipment	20,735,911	
(c) Reimbursements	-1,294,900	
280.5—For transfer to the Motor Vehicle Fund for reimbursement of the cost of riot control activities, Department of the California Highway Patrol		313,336
281—For support of Vehicle Equipment Safety Commission, payable from the Motor Vehicle Transportation Tax Fund		8,835
282—For payments of deficiencies in appropriations for the Department of the California Highway Patrol which may be authorized by the Director of Finance, with the consent of the Governor, pursuant to Section 11006 of the Government Code, the sum of $250,000, or so much thereof as may be necessary, payable from the Motor Vehicle Fund; provided, that amounts authorized from this item shall be made for purchase or operation of motor vehicles or purchase of required automobile accessories upon showing that such amounts are in excess of the amounts provided for in the appropriations to be augmented.		
283—For support of Department of Motor Vehicles, payable from the Motor Vehicle Fund		57,064,336
Schedule:		
(a) Personal Services	54,077,213	
(b) Operating Expenses and Equipment	14,582,018	
(c) Reimbursements	-4,051,739	
(d) Amount payable from Motor Vehicle License Fee Fund (Item 284)	-7,543,156	

Item		Amount
284—For support of Department of Motor Vehicles, payable from the Motor Vehicle License Fee Fund		7,543,156
to be transferred to the Motor Vehicle Fund, in augmentation of Item 283 of this act, as provided by Section 11003 of the Revenue and Taxation Code.		
285—For payment of deficiencies in appropriations for the Department of Motor Vehicles which may be authorized by the Director of Finance, with the consent of the Governor, pursuant to Section 11006 of the Government Code, the sum of $250,000, or so much thereof as may be necessary, payable from the Motor Vehicle Fund.		
VETERANS AFFAIRS		
286—For support of Department of Veterans Affairs		738,837
Schedule:		
(a) Personal Services	730,520	
(b) Operating Expenses and Equipment	169,718	
(c) From Veterans' Farm and Home Building Fund of 1943 (Item 287)	-161,401	
287—For support of Department of Veterans Affairs, payable from the Veterans' Farm and Home Building Fund of 1943		161,401
to be transferred to the General Fund, in augmentation of Item 286 of this act.		
288—For educational assistance to veterans' dependents, Department of Veterans Affairs, to be expended under the provisions of Sections 890 through 899 of the Military and Veterans Code		2,378,325
289—For support of Veterans' Home of California, to be transferred to and in augmentation of Item 290, Budget Act of 1969, upon order of the Department of Finance		407,345
290—For support of Veterans' Home of California		4,582,386
Schedule:		
(a) Personal Services	5,805,220	
(b) Operating Expenses and Equipment	1,244,071	
(c) Reimbursements	-449,750	
(d) Federal grants	-2,017,155	
provided, that none of the funds herein appropriated shall be expended for the payment of sick leave pay for member employees.		

MISCELLANEOUS

Item		Amount
292	For support of California Arts Commission	167,330
293	For support of the Commission of the Californias	35,530
294	For the state's contribution for the cost of a basic health benefits plan, for annuitants and other employees, in accordance with Sections 22828 and 22829 of the Government Code, which is not chargeable to any other appropriation	1,593,276
295	For refunding of payments of taxes, licenses, fees and other receipts which have been erroneously collected and deposited in the General Fund for the refund of which no other provision is made by law and for payment of prior judgments, liens or encumbrances pursuant to Section 12516 of the Government Code— provided, that expenditures made under this item shall be charged to the year in which the warrant is issued by the State Controller.	20,000

DEBT SERVICE

296	For payment of interest, on order of the Director of Finance, on transfers of money from any fund or account subject to investment, to the General Fund under Section 16310 of the Government Code, computed at a rate determined by the Pooled Money Investment Board to be a rate of interest prescribed by Section 16310 of the Government Code	3,000,000

UNALLOCATED

297	For Salary Increase Fund, to be allocated by the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations for support or for other purposes, in such amounts as will make sufficient money available to be paid each state officer or employee in the state service other than personnel in faculty and faculty-related classifications in the University of California whose salary ranges are set by the regents and instructional and instructional-related positions in the California State Colleges whose compensation, or portion thereof, is chargeable to the General Fund, the increase in compensation	

Item		Amount
	provided for in any increased salary range or rate including staff benefits established on or after July 1, 1969 by the State Personnel Board or other salary-fixing authority ------	38,413,170
	Schedule:	
	(a) For increases in compensation set by the State Personnel Board or other salary-fixing authority exclusive of the Regents of the University of California and the Trustees of the California State Colleges ----------	26,450,200
	(b) For increases in compensation for nonfaculty positions established by the Regents of the University of California ----------	7,275,370
	(c) For increases in compensation for noninstructional positions established by the Trustees of the California State Colleges ----------	4,687,600
	For state officers and employees whose compensation, including staff benefits, or portion thereof, is payable from special funds, there is hereby appropriated from each special fund from which such officers and employees are paid an amount sufficient to provide increases in compensation, including staff benefits, for each such officer or employee, in accordance with this item, which amount is to be made available by executive order of the Department of Finance in augmentation of their respective appropriations for support or for other purposes.	
	Before any increased salary range or rate established for any position for the 1969–70 fiscal year shall become effective, a certification shall be obtained from the Director of Finance that sufficient money either is available in funds authorized for the agencies or may be made available from the appropriation in this item, to meet the cost of such increases.	
297.1	—For special inequity salary adjustments to be allocated by the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective ap-	

Item		Amount
	propriations for support or for other purposes, in such amounts as will make sufficient money available to be paid each state officer or employee in the state service exclusive of the Regents of the University of California and Trustees of the California State Colleges; provided, that such increased salary ranges fixed by the State Personnel Board or other salary-fixing authority shall be granted to only those classes within the occupational groups on the listing dated June 19, 1969, entitled "List of Classes in Occupational Groups Lagging 7.0% or More Behind Prevailing Data and Whose Maximum Salary Does Not Exceed $950 a Month" on file with (a) the Joint Legislative Budget Committee, (b) the Legislative Analyst, (c) the Department of Finance, (d) the Office of the State Controller and (e) the State Personnel Board which the board determined lag behind comparable private industry or other public jurisdictions in excess of 7 percent, and which monthly salary maximum does not exceed $950 as of June 30, 1969 ----------	6,900,000
	For state officers and employees whose compensation, including staff benefits, or portion thereof, as payable from special funds, there is hereby appropriated from each special fund from which such officers and employees are paid an amount sufficient to provide increases in compensation, including staff benefits, for each such officer or employee, in accordance with this item which amount is to be made available by executive order of the Department of Finance in augmentation of their respective appropriations for support or for other purposes.	
297.2	—For special inequity salary adjustments to be allocated by the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations for support or for other purposes, in such amounts as will make sufficient money available to be paid each state officer or employee in the state service exclusive of the Regents of the University of California and Trustees of the California State Colleges; provided, that such increased salary ranges fixed by the State Personnel Board or other salary-fixing authority shall be granted to only those	

Item		Amount
	classes within the following occupational groups: psychologist, educational administration, hearing officer, medical and dental, professional agriculture and conservation, and nursing service realignments which the board determined lag behind comparable private industry or other public jurisdictions in excess of 15 percent	500,000
	For state officers and employees whose compensation, including staff benefits, or portion thereof, is payable from special funds, there is hereby appropriated from each special fund from which such officers and employees are paid an amount sufficient to provide increases in compensation, including staff benefits, for each such officer or employee, in accordance with this item which amount is to be made available by executive order of the Department of Finance in augmentation of their respective appropriations for support or for other purposes.	
298	For university salary increases, to be allocated by the Department of Finance to the regents of the university, in augmentation of its appropriation for support or for other purposes, in such amounts as will defray the cost, including staff benefits, of increases in compensation provided for in any increased salary range or rate established on or after July 1, 1969, for the 1969–70 fiscal year by the regents of the university for faculty positions	5,471,835
	provided, that increase in compensation provided by increased salary ranges for faculty positions established for the 1969–70 fiscal year shall not result in total annual salary increases, including staff benefits, of more than $5,471,835.	
	Before the Regents of the University of California establish any increased salary range or rate for the 1969–70 fiscal year, a certification shall be obtained from the Department of Finance that sufficient money either is available in funds authorized for the University of California or may be made available from the appropriation in this item to meet the cost of such increases.	
299	For university salary increases, to be allocated by the Department of Finance to the regents of the university, in augmentation of its appropriation for support or for other pur-	

Item		Amount
	poses, in such amounts as will defray the cost, including staff benefits, of increases in compensation provided for in any increased salary range or rate established on or after July 1, 1969, for the 1969–70 fiscal year by the regents of the university for faculty-related positions	2,654,180
	provided, that increases in compensation provided by this item for general salary increases for faculty-related positions established for the 1969–70 fiscal year shall not result in total annual salary increases, including staff benefits, of more than $2,654,180.	
	Before the Regents of the University of California establish any increased salary range or rate for the 1969–70 fiscal year, a certification shall be obtained from the Department of Finance that sufficient money either is available in funds authorized for the University of California or may be made available from the appropriation in this item to meet the cost of such increases.	
300	—For California State Colleges salary increases, to be allocated by the Department of Finance to the Trustees of the California State Colleges, in augmentation of appropriations for support or for other purposes, in such amounts as will defray the cost, including staff benefits, of increases in compensation provided for in any increased salary range or rate established on or after July 1, 1969, for the 1969–70 fiscal year by the Trustees of the California State Colleges for instructional positions	8,185,160
	provided, that increases in compensation provided by this item for increased salary ranges for instructional positions established for the 1969–70 fiscal year shall not result in total annual salary increases, including staff benefits, of more than $8,185,160.	
	Before the Trustees of the California State Colleges establish any increased salary range or rate for the 1969–70 fiscal year, a certification shall be obtained from the Department of Finance that sufficient money either is available in funds authorized for the California State Colleges or may be made available from the appropriation in this item, to meet the cost of such increases.	

Item		Amount
301	For California State Colleges salary increases, to be allocated by the Department of Finance to the Trustees of the California State Colleges, in augmentation of appropriations for support or for other purposes, in such amounts as will defray the cost, including staff benefits, of increases in compensation provided for in any increased salary range or rate established on or after July 1, 1969, for the 1969–70 fiscal year by the Trustees of the California State Colleges for instructional-related positions ---------- provided, that increases in compensation provided by this item for increased salary ranges for instructional-related positions established for the 1969–70 fiscal year shall not result in total annual salary increases, including staff benefits, of more than $275,380. Before the Trustees of the California State Colleges establish any increased salary range or rate for the 1969–70 fiscal year, a certification shall be obtained from the Department of Finance that sufficient money either is available in funds authorized for the California State Colleges or may be made available from the appropriation in this item, to meet the cost of such increases.	275,380
302	There is hereby reappropriated from the appropriations for the support of the several state offices, departments, boards, bureaus, commissions, and other state agencies, an amount sufficient to continue during the 1969–70 fiscal year, the increase in compensation provided under Item 261 of the Budget Act of 1968 for each state officer whose salary is specified by statute and whose salary is paid from the General Fund. For those state officers whose salaries are set by statute and whose compensation, or portion thereof, is payable from special funds, there is hereby reappropriated from the appropriations from each special fund from which such officers are paid an amount sufficient to continue during the 1969–70 fiscal year the increase in compensation for such officers provided for by Item 261 of the Budget Act of 1968, which amount is to be made available by executive order of the Director of Finance in augmentation of their respective appropriations for support or for other purposes. This provision	

Item	Amount
shall not apply to those state officers whose offices are established by Article IV, V or IX of the California Constitution and filled by a vote of the electors or officers subject to the provisions of Section 68203 of the Government Code. This provision shall also apply to the salaries of the secretaries and other personnel of the Governor who are appointed pursuant to Section 12001 of the Government Code.	
303—For salary increase fund..... to be allocated by the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies in augmentation of their respective appropriations for support or for other purposes in such amounts as will make sufficient money available to be paid each state officer whose salary is specified by statute and whose salary is paid from the General Fund, an increase in compensation of 5 percent over the amount authorized for the fiscal year 1968–69, for the fiscal year 1969–70, payable in an amount per month determined by the Department of Finance that will ensure that such state officers receive a 5 percent increase in total compensation over the preceding fiscal year for the entire fiscal year and each such salary is so increased. For those state officers whose salaries are set by statute and whose compensation, or portion thereof, is payable from special funds, there is hereby appropriated from each special fund from which such officers are paid an amount sufficient to provide increases in compensation of 5 percent over the amount authorized for fiscal year 1968–69 for each such officer for the fiscal year 1969–70 payable in an amount per month determined by the Department of Finance that will ensure that such state officers receive a 5 percent increase in total compensation over the preceding fiscal year for the entire fiscal year and each such salary is so increased, which amount is to be made available by executive order of the Director of Finance in augmentation of their respective appropriations for support or for other purposes This item shall not apply to those state officers whose offices are established by Article IV, V or IX of the	111,705

Item		Amount
	California Constitution and filled by a vote of the electors or officers subject to the provisions of Section 68203 of the Government Code. This item shall also apply to the salaries of the secretaries and other personnel of the Governor who are appointed pursuant to Section 12001 of the Government Code and shall thus be construed as authorizing the Governor to fix each such salary in an amount 5 percent in excess of the amount authorized for the fiscal year 1968–69 during the period when funds are made available by this item.	
304	For allocation by executive order of the Department of Finance to the several state agencies in augmentation of their respective appropriations for support or for other purposes, in such amounts as will make sufficient money available to be paid each state officer or employee in the state service other than personnel in the University of California whose salaries are set by the regents and personnel in the California State Colleges whose salaries are set by the trustees, whose compensation, or portion thereof, is chargeable to the General Fund, the premium pay for overtime for classes covered under the Federal Fair Labor Standards Act, as amended, including staff benefits as established by the State Personnel Board or other salary-fixing authority ----------	345,000
	For state officers and employees whose compensation, including staff benefits, or portion thereof, is payable from special funds, there is hereby appropriated from each special fund from which such officers and employees are paid an amount sufficient to provide premium pay for overtime, including staff benefits, for each such officer, or employee, in accordance with this item, which amount is to be made available by executive order of the Department of Finance, in augmentation of their respective appropriations for support or for other purposes.	
305	For Emergency Fund, to be expended only on written authorization of the Department of Finance for emergencies ----------	1,000,000
	and in addition, $1,000,000 is appropriated for loans that may be made from the Emergency Fund to state agencies which derive	

Item		Amount
	their support from the General Fund or from sources other than the General Fund, upon such terms and conditions for repayment as may be prescribed by the Department of Finance and any sum so loaned shall, if ordered by the Department of Finance, be transferred by the State Controller to the fund from which the support of the agency is derived. Emergencies within the meaning of this provision are hereby defined as contingencies for which no appropriation, or insufficient appropriation, has been made by law and which in the judgment of the Director of Finance constitute cases of actual necessity, but these shall be limited to purposes which have been specifically approved by the Legislature in budget acts or other legislation, except that not more than $100,000 of this item may be expended for emergencies for which no such prior authorization exists. Provided, that the Director of Finance shall file with the Joint Legislative Budget Committee within 10 days after approval, copies of all executive orders and allotment promises for allocations from the Emergency Fund stating the reasons for, and the amount of, all such executive orders and allotment promises for allocations. Provided further, that any augmentation from this item to any program in excess of 10 percent of the amount authorized for expenditure in the 1969–70 fiscal year for such program shall become effective no sooner than 30 days after notification in writing to the Joint Legislative Budget Committee or no sooner than such lesser time as the committee, or its designee, may in each instance determine, except that no such limit shall apply if the Director of Finance states in writing to the Chairman of the Joint Legislative Budget Committee the necessity and urgency for the allocation which, in the judgment of the director, makes prior approval impractical.	
306	—For claim of the Secretary of the State Board of Control, to be paid from the several funds, in accordance with the following schedule—	231,039

Item		Amount
	Schedule:	
	(a) General Fund	157,470
	(b) Aeronautics Fund	4,722
	(c) Fish and Game Preservation Fund	201
	(d) State Highway Fund	1,564
	(e) Motor Vehicle Fund	2,756
	(f) Motor Vehicle License Fee Fund	32
	(g) State Fair Fund	2,819
	(h) State Construction Program Fund	7,731
	(i) Unemployment Administration Fund	1,061
	(j) Water Resources Revolving Fund	1,993
	(k) Cigarette Tax Fund	27,453
	(*l*) Senate Contingent Fund	12
	(m) Public Employees Retirement Fund	9,840
	(n) Unemployment Compensation Disability Fund	48
	(o) Motor Vehicle Fuel Fund	1,843
	(p) Special Deposit Fund, Disaster Relief 1969—Federal Deposit Account	1,394
	(q) Peace Officers' Training Fund	100
	(r) Public Building Construction Fund	10,000
307	—For temporary transfers to the General Fund, in accordance with Section 16310 of the Government Code, payable from the California Water Fund; provided, that this item does not authorize any transfer which will interfere with the object for which said California Water Fund was created.	

LOCAL ASSISTANCE SECTION

SEC. 2.1. The following sums of money, or so much thereof as may be necessary unless otherwise provided herein, are hereby appropriated for the use and support of the State of California for the 1969–70 fiscal year beginning July 1, 1969, and ending June 30, 1970. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

Whenever by constitutional or statutory provision the revenues or receipts of any institution, department, board, bureau,

commission, officer, employee, or other agency, or any moneys in any special fund created by law therefor, are to be used for salaries, support or any proper purpose, expenditures shall be made therefrom for any such purposes to the extent only of the amount herein appropriated, unless otherwise stated herein, or authorized pursuant to Section 11006 of the Government Code.

Appropriations for purposes not otherwise provided for herein which have been heretofore made by any existing constitutional or statutory provision shall continue to be governed thereby.

AGRICULTURE

Item		Amount
311	For salaries of county agricultural commissioners or compensation for services performed for county agricultural departments, Department of Agriculture, to be expended in accordance with the provisions of Section 2224 of the Agricultural Code	171,600
312	For payments to cities and counties for lands under contract as agricultural preserves on July 1 of the 1969–70 fiscal year, Department of Agriculture, to be expended in accordance with the provisions of Section 51260 of the Government Code	446

CORRECTIONS

313	For payment of the state's share, as determined by the Department of Finance, of expenses incurred by local agencies in supervising and controlling juveniles as defined by Sections 600 through 607 of the Welfare and Institutions Code, at the international border between California and Mexico, pursuant to Section 1760(d) of said code, to be transferred to and in augmentation of Item 317, Budget Act of 1969, upon the order of the Department of Finance	52,280
315	For reimbursements to counties for maintenance of juvenile homes and camps, Department of the Youth Authority, to be expended in accordance with the provisions of Sections 880 through 890 of the Welfare and Institutions Code	3,545,340
316	For reimbursements to counties for construction of juvenile homes and camps, Department of the Youth Authority, to be expended in accordance with Section 891 of the Welfare and Institutions Code	1,289,075

Item	Amount
317—For payment of the state's share, as determined by the Department of Finance, of expenses incurred by local agencies in supervising and controlling juveniles as defined by Sections 600 through 607 of the Welfare and Institutions Code, at the international border between California and Mexico, pursuant to Section 1760(d) of said code, Department of the Youth Authority	52,280
318—For county delinquency prevention commissions, Department of the Youth Authority, to be allocated by the Director of the Youth Authority, in accordance with Section 1752.5 of the Welfare and Institutions Code	29,000
320—For assistance to counties in their operation of special probation supervision programs, in accordance with Sections 1820 through 1827 of the Welfare and Institutions Code, Department of the Youth Authority	12,760,000

provided, that the amount payable to any county shall be limited to the amount of its entitlement which would be calculated on the basis of the reduced commitment rate achieved during the 1968–69 fiscal year. Moneys appropriated by this item shall be available to reimburse counties for their expenditures for the cost of new or expanded special probation supervision programs established above the level of effort in probation supervision maintained by these counties during the 1965–66 fiscal year. Expenditures made under this item to reimburse counties for their cost of special probation supervision programs shall be charged to the year the warrant is issued by the State Controller.

EDUCATION

321—(a) In lieu of the amounts which would otherwise be appropriated for transfer from the General Fund in the State Treasury to the State School Fund for the 1969–1970 fiscal year pursuant to subdivision (a) and subdivision (b) of Section 17301 of the Education Code, there is hereby appropriated for transfer by the State Controller during the 1969–1970 fiscal year from the General Fund in the State Treasury to the State School

Item	Amount
Fund, such sums, in addition to the sums accruing to the State School Fund from other sources, as shall provide in the State School Fund for apportionment pursuant to Chapter 1 (commencing with Section 17151), Chapter 2 (commencing with Section 17300), and Chapter 3 (commencing with Section 17601), of Division 14 of the Education Code, during the 1969–1970 fiscal year, a total amount of two hundred ninety-nine dollars and eighty-seven cents ($299.87) per pupil in average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, junior college, and adult schools in the state and to the county school tuition funds, as certified by the Superintendent of Public Instruction. (b) In lieu of the schedule of expenditures prescribed by Sections 17303 and 17303.5 of the Education Code, the amount to be transferred to the State School Fund for the 1969–1970 fiscal year pursuant to subdivision (a) of this item shall be expended during such fiscal year in accordance with the following schedule: (1) Twenty-one dollars and fifty cents ($21.50) multiplied by the total average daily attendance credited during the preceding school year to elementary school districts which during the preceding school year had less than 901 units of average daily attendance, to high school districts which during the preceding school year had less than 301 units of average daily attendance, and to unified districts which during the preceding school year had less than 1,501 units of average daily attendance, but not to exceed seventy cents ($0.70) multiplied by the average daily attendance credited during the preceding fiscal year to all kindergarten, elementary, high school, junior college, and adult schools in the state and to county tuition funds, for allowance to county school service funds pursuant to subdivision (a) of Section 18352 of the Education Code. (2) Four dollars and forty cents ($4.40) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, junior college, and adult schools in the state and to county school tuition funds	

Item	Amount

during the preceding fiscal year for the purpose of Article 10 (commencing with Section 18051) of Chapter 3 of Division 14 of the Education Code.

(3) Eighteen dollars and twenty cents ($18.20) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, junior college, and adult schools in the state and to county school tuition funds during the preceding fiscal year for the purposes of Sections 18060 and 18062 and Article 11 (commencing with Section 18101) of Chapter 3 of Division 14 of the Education Code.

(4) Three dollars and six cents ($3.06) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, junior college, and adult schools in the state and to county school tuition funds during the preceding fiscal year for allowances to county school service funds pursuant to subdivision (b) of Section 18352 of the Education Code.

(5) Two dollars and seventeen cents ($2.17) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, junior college, and adult schools in the state and to county school tuition funds during the preceding fiscal year for allowances to school districts for the purposes of Section 6426 of the Education Code.

(6) Two hundred sixty-three dollars and five cents ($263.05) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, junior college, and adult schools in the state and to county school tuition funds during the preceding fiscal year for basic aid, equalization aid, supplemental support, allowances for adults, and allowances to the county school tuition funds to be apportioned on account of average daily attendance.

(7) Eight dollars and twenty-nine cents ($8.29) multiplied by the average daily attendance during the preceding school year credited to all kindergarten, elementary, high school, junior college, and adult schools in the state and to county school tuition funds for purposes of Chapter 7.1 (commencing with Section 6750) of Division 6 of the Education Code.

Item	Amount
321.5—An amount equal to the difference between (a) the "free surplus" for 1968–69 amount shown on Schedule 1, General Budget Summary, page A-5, Governor's Budget, as amended by the last page of the report of the Director of Finance dated May 26, 1969 to the President of the Senate and the Speaker of the Assembly, subject "May Revisions of General Fund Budget," which amount was stated as two hundred fifty million four hundred thousand dollars ($250,400,000), and (b) the amount of such comparable "free surplus" as computed (minus $194,000,000 for cash liquidity) by the State Controller and reported to the Joint Legislative Budget Committee, no later than November 1, 1969, is hereby appropriated to the State School Fund for allocation as hereafter provided by law. This amount is to be computed as if the Budget Act of 1969 had been effective July 1, 1969.	
324—For support of instructional television programs, Department of Education, to be expended in accordance with the provisions of Section 18270 of the Education Code ------	850,000
325—For support of special elementary school reading instruction programs, Department of Education, to be expended in accordance with the provisions of Sections 7770 through 7825 of the Education Code ----------	16,000,000
326—For support of mathematics improvement programs, Department of Education, to be expended in accordance with the provisions of Chapter 2.6, Division 7 of the Education Code	925,000
328—For support of Department of Education -- provided, that the appropriation made by this item is limited to carrying out the provisions of Sections 6450 through 6474, 6481 through 6486, 6490 through 6498, and 13355.1 through 13355.15 of the Education Code; and that at least $500,000 of such amount be used to carry out the provisions of Sections 13355.1 through 13355.15.	1,500,000
329—For support of children's centers, Department of Education, to be apportioned by the department in the manner provided by Chapter 5, Division 12 of the Education Code, to school districts maintaining children's centers pursuant to Sections 16601 through 16645.25 of the Education Code ----------	17,446,702

Item		Amount
	Schedule:	
	(a) Children's Centers 14,190,202	
	(b) Development Centers for Handicapped Minors 3,256,500	
	(c) Preschool Education 15,003,000	
	(d) Reimbursements ..... -15,003,000	
	provided, that the Department of Finance may, by executive order, transfer funds scheduled in subdivision (a), above, for and in augmentation of the amount scheduled in subdivision (d) of Item 348 of this act for expenditure for the Child Development and Protection Program, for purposes of meeting the state matching fund requirements for child care services provided for under Public Law 90-248.	
330	For allocation to school districts or county superintendents of schools, State Allocation Board, to be allocated pursuant to the provisions of Article 7.5 (commencing with Section 19699.20) of Chapter 10 of Division 14 of the Education Code	1,000,000
331	For transfer by State Controller to the Teachers' Retirement Fund for State Teachers' Retirement System	79,000,000
332	For grants to teachers of physically handicapped minors, Department of Education, to be expended in accordance with the provisions of Chapter 8.5 (commencing with Section 6875) of Division 6 of the Education Code ..	150,000
333	For publishing, purchasing and shipping free textbooks, Department of Education	24,234,925
	Schedule:	
	(a) Personal Services 138,034	
	(b) Operating Expenses and Equipment 24,146,891	
	(c) Reimbursements ..... -50,000	
	provided, that no money appropriated by this item shall be expended for the publishing, purchasing, and shipping of any textbook which is not included in the budget request submitted to the Governor for the 1969–70 fiscal year for the textbook phase of Department of Education operations, without prior approval of the Department of Finance; provided further, that none of the moneys appropriated by this item may be expended for publishing, purchasing or shipping any textbook, which has been conditionally approved or adopted by the State Board of Education	

Item	Amount
subject to the condition that revisions will be made in such textbook by the publisher, unless and until such revisions have been made to the complete satisfaction of said board. Provided, that none of this appropriation shall be available to finance contracts in respect to basic textbooks adopted by the State Board of Education during the 1968–69 or 1969–70 fiscal years in which the total price, including sales and use tax, for any textbook submitted on a finished-book basis exceeds by more than 13 percent the average of the three highest total prices for a competitive textbook submitted on the basis of leasing plates to the state or in which said total price for any such textbook exceeds by more than 13 percent the sum of the manufacturing cost of such textbook as estimated by the State Department of General Services, and the average royalty cost of the three highest priced competitive textbooks, except that upon a finding by the State Board of Education that the book submitted on a finished-book basis is clearly superior in quality and utility to others submitted on a leased-plate basis, this appropriation shall be available to finance contracts at a cost to be agreed upon by the State Board of Education if such cost does not exceed by more than 13 percent the sum of the manufacturing cost of such textbook as estimated by the State Department of General Services and the average royalty cost of the three highest priced competitive textbooks. Provided further, that none of this appropriation shall be available to finance contracts for textbooks adopted as supplemental textbooks by the State Board of Education during the 1968–69 or 1969–70 fiscal years in which the unit price, including sales and use tax, for any textbook submitted on a finished-book basis exceeds the unit manufacturing cost of such textbook as estimated by the State Department of General Services, multiplied by the average of the ratios of the total computed unit cost of each other supplementary textbook submitted to the state on a leased-plate basis for the same grade level to the unit manufacturing cost of each such other textbook, plus 13 percent of the unit manufacturing cost of the textbook which is offered on a finished-book basis.	

Item		Amount
	For the purposes of this item, three means all if fewer than three competitive textbooks are submitted on a leased-plate basis and textbooks includes teachers' manuals or editions. However, this appropriation shall be available, without regard to the foregoing conditions, to finance contracts for textbooks adopted as supplementary textbooks by the State Board of Education during the 1968–69 or 1969–70 fiscal year for which offers were received on both a leased-plate and finished-book basis if the State Board of Education accepts the lesser of the two offers. The Department of Finance shall maintain a procedure which will indicate any cases in which the numbers and estimated costs of textbooks represented in printing or purchase orders placed during the budget year vary from the amounts contained in the budget schedule submitted by the Department of Education upon which this item of appropriation is based, and the Department of Finance shall unallot all amounts which are made available because of such differences. Upon presentation of need, the Department of Finance may reallot such funds as it finds necessary. It shall report all such actions to the Joint Legislative Budget Committee prior to August 1, 1970.	
334	—For assistance to public libraries, Division of Libraries, Department of Education, to be apportioned by the Division of Libraries as provided in Chapter 1.5 (commencing with Section 27111) of Division 20 of the Education Code	1,251,616
335	—For vocational education programs in public school districts, conducted under the provisions of Sections 6251 through 6254 of the Education Code, Department of Education	1,030,271
	Schedule:	
	(a) Payments to public school districts	27,880,572
	(b) Federal grants	–26,850,301
335.5	—For support of junior college Educational Opportunity Programs, Board of Governors of the California Community Colleges, to be expended in accordance with the provisions of Senate Bill No. 164 of the 1969 Regular Session of the Legislature	3,000,000

HEALTH AND WELFARE

Item		Amount
336	For allocation by executive order of the Department of Finance to state agencies, in augmentation of their support and local assistance appropriations, as provided for in the Budget Act of 1969, for the cost of increased fees for medical and related services provided, that no allocation of funds from this item may be used for any purpose other than fee or rate adjustments.	10,000,000
337	For Department of Health Care Services, to be transferred to and in augmentation of Item 338, Budget Act of 1969, upon order of the Department of Finance and in addition thereto, any amounts received from federal grants or other sources.	27,403
338	For transfer to the Health Care Deposit Fund to provide for Medical Assistance Program expenditures provided that the amount authorized to be expended by this item and any additional amount transferred to the Health Care Deposit Fund under the provision of Item 339 of this act, shall fully cover the state's share of payments for services for the 1969–70 fiscal year as defined in the Welfare and Institutions Code; provided further, that such additional amounts as may be determined by the Director of Finance as necessary to extend and administer Medical Assistance Program benefits to eligible mentally retarded persons under the care of the Department of Mental Hygiene are hereby appropriated in augmentation of this item and shall be transferred to the Health Care Deposit Fund from the General Fund upon the certification of the Director of Finance; provided further, that the amount to be expended from the General Fund on the county option program under the provisions of Section 14150.1 of the Welfare and Institutions Code shall not exceed $45,000,000 for the 1969–70 fiscal year.	382,888,690
339	For assistance to local agencies in the establishment and operation of mental health services, in accordance with the provisions of Division 5 of the Welfare and Institutions Code **provided, that upon certification by the Department** of Health Care Services of the	147,465,647

Item		Amount
	amount of expenditures for services that have been rendered by local agencies under the provisions of Division 5 of the Welfare and Institutions Code to patients eligible for services under the California Medical Assistance Program, the Department of Finance may authorize the transfer of funds from this item to the Health Care Deposit Fund for the state's share of such expenditures. Provided further, that any portion of this item may be transferred to and in augmentation of Item 158, Budget Act of 1969, upon order of the Department of Finance. Provided further, that upon approval of the Department of Finance, the State Controller shall transfer to the Department of Rehabilitation such part of these appropriations that are related to the cooperative rehabilitation services program to match federal funds for the cooperative rehabilitation services program; provided further, that such transfer shall enable the state to make maximum utilization of available federal funds.	
340	For assistance to counties, and cities and counties, to be expended for services to physically handicapped children, in accordance with provisions of Sections 249 through 269 of the Health and Safety Code, Department of Public Health ----------	15,322,550
	Schedule: (a) Diagnosis ---------- 1,549,795 (b) Treatment ----------12,970,842 (c) Nonresident Care ---------- 45,000 (d) Administrative Allowance - 926,585 (e) Therapy Services ---------- 2,435,131 (f) Federal grants ----------1,697,316 (g) Estimated repayments ---- -907,487 provided, that the Department of Public Health shall have the authority to transfer funds between items in the schedule above to meet program needs with the approval of the Department of Finance; and provided further, that the allocations of funds shall be made in such a manner as to insure the availability of funds during the entire fiscal year 1969–70 within the limits of this appropriation.	
341	For assistance to counties, and cities and counties, for maintenance of tuberculosis sanatoria, Department of Public Health-----	2,501,780

Item		Amount
	including an additional amount of five dollars and sixteen cents ($5.16) per patient-day in accordance with Sections 3300 and 3301 of the Health and Safety Code; leasing of facilities in accordance with Section 3295 of the Health and Safety Code; and reimbursement of burial expenses in accordance with Section 3296 of the Health and Safety Code.	
342	For assistance to counties by the establishment of local health services, in accordance with Section 1157 of the Health and Safety Code, Department of Public Health	671,384
343	For assistance to cities, counties, local health agencies and local health districts for the establishment of minimum standards of personnel, organization and administration of local health departments, in accordance with the provisions of Chapter 8, Part 2, Division 1 of the Health and Safety Code, Department of Public Health	4,743,172
344	For assistance to local agencies in the establishment and operation of mental retardation diagnostic and counseling centers and for the purchase of care and treatment services for the mentally retarded in accordance with the provisions of Sections 415 through 416.2 of the Health and Safety Code, Department of Public Health	4,896,718
	provided, that the Department of Public Health may enter into a contractual agreement with the Department of Mental Hygiene for the provision of preadmission, evaluation, and referral services until such time as local regional diagnostic and counseling centers, as authorized by the Legislature, are capable of providing these services; provided, further, that upon approval of the Director of Finance, the State Controller shall transfer to the appropriation for support of the Department of Social Welfare, Item 166, Budget Act of 1969, any funds not required pursuant to this item and such transfers shall be for purposes of placing mentally retarded patients residing in state hospitals in appropriate community facilities; provided further, that within the limits of this appropriation, the department shall establish three additional regional centers for the mentally	

Item		Amount
	retarded and their families to serve areas of the state not presently served or authorized to be served by such centers. Any funds appropriated for this item which cannot be expended in the establishment of new centers shall be reallocated to existing centers to provide for increased community placements of mentally retarded persons, and such other services as may be necessary.	
344.5	—For assistance to cities, counties, cities and counties, and local hospital districts in the construction of facilities for the mentally retarded, Department of Public Health, to be expended under provisions of the California Hospital Survey and Construction Act_____ provided, that these funds are to be allocated to any public agency, as defined in Section 435.1 of the Health and Safety Code, which received 1967–68 federal funds for construction of facilities for the mentally retarded, but which did not receive any state funds during the 1968–69 fiscal year.	428,097
345	—For the cost of the state share of Unmet Shelter Needs of public assistance recipients, Department of Social Welfare, to be transferred to and in augmentation of the appropriation authorized by Sections 15201 to 15204 inclusive, Welfare and Institutions Code, upon order of the Department of Finance_____ together with any grants made available by the federal government for this purpose.	1,500,000
346	—For the cost of the state share of the work or training-connected expenses and day care services for which federal grants-in-aid are made to the state, as specified in Section 11451.5 of the Welfare and Institutions Code, Department of Social Welfare _____ provided, that expenditures are limited to persons certified by the Department of Employment as participants in the Work Incentive Program established pursuant to Division 2 (commencing with Section 5000) of the Unemployment Insurance Code.	1,168,381
347	—For Department of Social Welfare, to be transferred to and in augmentation of Item 348, Budget Act of 1969, upon order of the Department of Finance_____ and in addition thereto, any amounts received from federal grants or other sources.	266,500

Item		Amount
348—For the cost of special social service programs for which federal grants-in-aid are made to the state; for cost of adult protective services by county welfare departments; for costs of pilot or experimental social service programs designed to improve public assistance programs; for costs of preschool compensatory education services at child care centers; for grants or services to local agencies for the extension of child welfare services; for the cost of the adoption programs and care of children, to be expended in accordance with the provisions of Section 16100 et seq. of the Welfare and Institutions Code; for costs incurred by counties and cities and counties in maintaining approved services for the licensing and inspection of agencies for child care and home finding and agencies for the care of the aged, to be expended in accordance with the provisions of Sections 16004 and 16202 of the Welfare and Institutions Code; for in-service training and educational leave stipends to increase the supply of trained welfare personnel for county welfare departments; for the cost of local projects in the administration of public assistance and social services for children; and for the costs of statewide social services' administration-improvement programs, Department of Social Welfare		19,158,418
Schedule:		
(a) Specialized Social Service Projects	320,000	
(b) Home Care Services Project	218,190	
(c) Training programs in economically depressed areas	40,000	
(d) Child Development and Protection Program	19,605,782	
(e) Adoption Program	14,015,635	
(f) Public Protection Programs	2,115,750	
(g) Public Welfare Manpower Program	2,084,390	
(h) Administrative Improvement Program	545,450	
(i) Reimbursements	-2,304,853	
(j) Federal grants	-17,481,926	
provided, that all or any portion of the amounts included in section (e) may be transferred to Item 167 of this act, for support of Department of Social Welfare, upon order of the Department of Finance.		

RESOURCES

Item		Amount
349—For expenditure by the Department of Water Resources, in accordance with Sections 12570 through 12875 of the Water Code, for payment of, and for reimbursement for necessary advances made for, the cost of cooperation by the state for major flood control projects adopted by the Legislature, for small flood control projects approved under Section 12750 of the Water Code, and for watershed protection and flood prevention projects as authorized by Sections 12850 through 12875 of the Water Code and administrative costs, Department of Water Resources		10,300,000
and further provided, that no expenditure shall be made until the local organizations give assurances that they will maintain and operate the projects after completion in such manner as will accomplish the purposes for which the projects were authorized and constructed and as may be required by the federal agencies concerned and the Department of Water Resources, and that the local organizations will hold and save the State of California free from damages or claims due to the construction, installation, or operation of the project.		
350—To pay the state's share of the cost of local participation required in connection with the Orange County Beach Erosion Control Project, in accordance with Section 335.5 of the Water Code, as added by Chapter 108 of the 1967 Regular Session, the state's share of small beach erosion projects as provided by Section 335.2 of the Water Code, and administrative costs, Department of Water Resources		362,500
Schedule:		
(a) Orange County, Anaheim Bay Harbor to Newport Bay (stage 4, state share)	247,500	
(b) City of Los Angeles, Point Fermin (Royal Palms) (state share)	75,000	
(c) Administration (departmental cost)	40,000	
350.5—To pay the state's share of the cost of local participation in connection with small beach erosion projects, as provided by Section 335.2		

Item	Amount
of the Water Code, and administrative costs, City of San Diego, Sunset Cliffs, Department of Water Resources ---------- provided, that notwithstanding Section 335.1 of the Water Code, such funds may be expended prior to the appropriation of construction funds for such project by the Congress.	80,000
351—For loans to cities, counties, or districts pursuant to Sections 70.2 and 71.4 of the Harbors and Navigation Code, Department of Harbors and Watercraft, payable from the Harbors and Watercraft Revolving Fund---	3,275,000
352—For grants for construction and development of small craft launching facilities to cities, counties, or districts pursuant to Section 83 of the Harbors and Navigation Code, Department of Harbors and Watercraft, payable from the Harbors and Watercraft Revolving Fund ----------	986,350
352.1—For a grant for construction and development of small craft launching facilities to Red Hill Marina, Imperial County, pursuant to Section 83 of the Harbors and Navigation Code, Department of Harbors and Watercraft, payable from the Harbors and Watercraft Revolving Fund ----------	30,000
353—For transfer to the General Fund as an advance of the amount required to be paid to the General Fund from the Small Craft Harbor Improvement Fund in repayment of advances made from the General Fund pursuant to Part 4 (commencing with Section 3900), Division 6, Harbors and Navigation Code, State Controller, payable from the Harbors and Watercraft Revolving Fund------ provided, that the money required to be repaid to the General Fund pursuant to Part 4 (commencing with Section 3900), Division 6, Harbors and Navigation Code shall be deposited in the Harbors and Watercraft Revolving Fund.	778,199
354—For repairs of damage at small craft harbor facilities constructed pursuant to Sections 70.2, 71.4, and 83 of the Harbors and Navigation Code, caused by emergency conditions, including but not limited to tidal waves or severe storms, as may be authorized by the	

Item		Amount
	Director of Finance, with the consent of the Governor, the sum of $100,000, or as much thereof as may be necessary, payable from the Harbors and Watercraft Revolving Fund.	
354.1	—For transfer to the General Fund as repayment of a loan to the Noyo Harbor District for emergency repairs from Item 263, Budget Act of 1968, Department of Harbors and Watercraft, payable from the Harbors and Watercraft Revolving Fund	25,000
	and, in addition thereto, an amount sufficient to pay interest on this loan at a rate to be determined by the Department of Finance.	

TRANSPORTATION

355	—For allocation and expenditure by the Public Utilities Commission to assist cities, counties, and cities and counties in paying their share of the cost of constructing grade crossing protection works, in augmentation of Chapter 1302 of the Statutes of 1961, payable from the State Highway Fund	1,100,000
	The appropriation made by this item shall be available without regard to fiscal years.	
355.1	—The unencumbered balance of the revenues appropriated by Section 12.3 of Chapter 138 of the 1964 First Extraordinary Session of the Legislature, as added by Chapter 155 of the Statutes of the 1966 First Extraordinary Session of the Legislature, is hereby reappropriated to the Southern California Rapid Transit District for the purposes specified in such section.	

PROPERTY TAX RELIEF

356	—For providing property tax assistance to claimants, in accordance with the provisions of the Senior Citizens Property Tax Assistance Law, Part 10.5 (commencing at Section 19501), of Division II of the Revenue and Taxation Code, Franchise Tax Board	10,000,000
357	—For providing homeowners' property tax exemption, in accordance with the provisions of Chapter 1, Statutes of 1968, 1st Extraordinary Session, (commencing at Section 32), State Controller	211,700,000

OTHER PURPOSES

Item		Amount
358	For state's share of salaries of judges of superior courts as provided by Section 68206 of the Government Code	8,837,376
359	For transfer by State Controller to the Judges' Retirement Fund	1,100,000
360	For contribution to counties toward the compensation and expenses of county service officers, Department of Veterans Affairs, to be expended in accordance with Section 972 of the Military and Veterans Code, payable from the surplus of the Veterans' Farm and Home Building Fund of 1943	500,000
361	For furnishing of workmen's compensation to disaster service workers and their dependents, in accordance with the provisions of Sections 3201 through 6002 of the Labor Code, including the reimbursing of the State Compensation Insurance Fund for the cost of services as adjusting agent, Governor's office, California State Disaster Office. The State Compensation Insurance Fund may draw from the State Treasury out of the appropriation made by this item, without at the time presenting vouchers and itemized statements, any portion of the appropriation contained in this item, to be used as a cash revolving fund. Expenditures made from the revolving fund in payment of claims for workmen's compensation and adjusting services are excepted from the operation of Section 925.6 of the Government Code. Reimbursement of the revolving fund for such expenditures shall be made upon presentation to the State Controller of an abstract or statement of such expenditures. Such abstract or statement shall be in such form as the State Controller requires.	51,000
362	For allocation to cities, counties, and cities and counties, pursuant to Section 13523 of the Penal Code, Commission on Peace Officers' Standards and Training, payable from the Peace Officers' Training Fund	4,927,400
363	For contribution to counties for providing legal assistance to indigents charged with violation of state criminal law, in accordance with Section 987b of the Penal Code	900,000

CAPITAL OUTLAY SECTION

SEC. 2.2. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1969–70, 1970–71 and 1971–72 fiscal years, provided, that any funds appropriated specifically for minor projects shall be available only for the 1969–70 fiscal year. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

STATE BUILDING PROGRAM

GENERAL ADMINISTRATION

Item		Amount
364—For capital outlay, Department of General Services		341,400
Schedule:		
(d) Increase capacity of electrical distribution system—State Capitol Building	250,400	
(e) Replace fans, coils, ductwork over Assembly Chamber—State Capitol Building	91,000	
364.5—For capital outlay, Department of General Services		641,000
Schedule:		
(a) For acquisition of real property, Capitol Plan Area, to be expended only on a finding by the State Public Works Board that a hardship exists	641,000	
365—For capital outlay, Department of General Services		150,000
Schedule:		
(a) Alterations—various locations	150,000	
Notwithstanding the provisions of Section 2.2 of this act, the amount in this item shall be available for expenditure only during the 1969–70 fiscal year.		
366—For capital outlay, Department of General Services, minor projects, including the construction of a pedestrian mall at the Fresno State Building		190,614
367—For capital outlay, State Exposition and Fair Executive Committee, minor projects, payable from the State Fair Fund		12,500

AGRICULTURE

Item		Amount
368—For capital outlay, Department of Agriculture, minor projects		28,750

CORRECTIONS

369—For capital outlay, Department of Corrections, statewide minor projects		267,639
369.1—For capital outlay, Department of Corrections		160,000
Schedule:		
Medical Correctional Institution:		
(a) Preliminary plans for a 2,400-bed institution	160,000	
370—For capital outlay, Department of the Youth Authority		687,770
Schedule:		
Southern California Youth Center:		
(a) Sewage treatment and disposal facilities—Phase II	219,200	
Paso Robles School for Boys:		
(b) Electrical distribution system rehabilitation	233,870	
Preston School of Industry:		
(d) Steam distribution system improvement—Phase II	205,100	
(e) Working drawings for electrical distribution and emergency power system rehabilitation	12,100	
(f) Working drawings for water distribution system rehabilitation	17,500	
371—For capital outlay, Department of the Youth Authority, statewide minor projects		258,991
372—For capital outlay, Department of the Youth Authority		541,500
Schedule:		
Southern California Youth Center:		
(a) Equip central administration facilities	220,000	
(b) Equip older boys reception center	306,500	

Item		Amount
Los Guilucos School for Girls:		
(c) Equip adjustment unit	15,000	
Notwithstanding the provisions of Section 2.2 of this act, the amount in this item shall be available for expenditure only during the 1969–70 fiscal year.		

EDUCATION

373—For capital outlay, School for the Deaf, Berkeley, minor projects	27,000
373.1—For capital outlay, California School for the Blind, minor projects	22,000
374—For capital outlay, School for the Deaf, Riverside	50,000
Schedule:	
(a) Preliminary planning for multihandicapped unit 50,000	
375—For capital outlay, School for the Deaf, Riverside, minor projects	38,615

HIGHER EDUCATION

376—For augmentation of the Capital Outlay Fund for Public Higher Education, to be transferred from the funds reserved by Section 153 of Chapter 963, of the Statutes of 1967, to the Capital Outlay Fund for Public Higher Education by the State Controller, from time to time, in such amounts as determined by the Department of Finance	56,174,000
377—For capital outlay, University of California, subject to the approval of the State Public Works Board, payable from the Capital Outlay Fund for Public Higher Education; provided that withdrawals shall be as required to meet current obligations as certified by the University of California	23,990,000
Schedule:	
Berkeley Campus:	
(a) Construct Doe library alterations 105,000	
(b) Construct life science building alterations 528,000	
(c) Construct Cory Hall alterations 77,000	
Davis Campus:	
(d) Construct utilities 843,000	

Item		Amount
	Davis Medical:	
(e)	Construct utilities and site development	476,000
(f)	Land acquisition—Sacramento General Hospital	200,000
(g)	Construct facilities—Sacramento General Hospital	423,000
(h)	Working drawings for veterinary medical facilities	406,000
	Irvine Campus:	
(i)	Construct utilities and site development	1,005,000
(j)	Working drawings for humanities—social sciences unit 1 alterations	10,000
(k)	Construct administration unit 1	3,585,000
	Riverside Campus:	
(*l*)	Construct utilities	316,000
(m)	Construct library building alterations, step 2	162,000
(n)	Construct Webber Hall addition	5,588,000
	San Diego Campus:	
(o)	Construct addition to central utilities building, step 2	1,415,000
(p)	Construct utilities and site development	240,000
(q)	Convert areas of Urey Hall and physics-chemistry building for changed occupancy	219,000
	San Diego Medical:	
(r)	Construct improvements at University Hospital of San Diego County	939,000
(rx)	Construct access road to University Hospital of San Diego County, step 1	66,000
	Santa Barbara Campus:	
(s)	Construct utilities and site development	633,000

Item		Amount
	(t) Working drawings for central heating and cooling plant	80,000
	(u) Construct biological sciences unit 1 alterations	200,000
	(v) Construct physical sciences unit 1 alterations	304,000
	(w) Construct engineering unit 2	4,557,000
	Santa Cruz Campus:	
	(x) Construct utilities and site development	612,000
	(y) Construct alterations to existing facilities	265,000
	(z) Construct College No. 6—academic areas only	736,000
378	For capital outlay, University of California, payable from the Capital Outlay Fund for Public Higher Education; provided, that withdrawals shall be as required to meet current obligations as certified by the University of California	6,299,000
	Schedule:	
	Berkeley Campus:	
	(a) Equip engineering materials laboratory addition	165,000
	Davis Campus:	
	(b) Equip classroom and office unit 3	55,000
	Davis Medical:	
	(c) Equip medical surge unit	304,000
	(d) Equip veterinary medical facilities teaching and research facilities	485,000
	Irvine Campus:	
	(e) Equip physical sciences unit 1	477,000
	Irvine Medical:	
	(f) Equip medical surge facilities	700,000
	Los Angeles Campus:	
	(g) Equip north campus library unit 2	258,000
	(h) Equip old public health building alterations	50,000
	(i) Equip theater arts unit 2	45,000

Item		Amount
	Los Angeles Health Sciences:	
	(j) Equip hospital and clinics unit 1 alterations, step 2___	500,000
	(k) Equip hospital and clinics unit 2B, step 2_____	558,000
	Riverside Campus:	
	(*l*) Equip library unit 3_____	99,000
	San Diego Campus:	
	(m) Equip buildings 2A and 2A′	320,000
	(n) Equip buildings 2B and 2B′	400,000
	(o) Equip buildings 2C and 2C′	385,000
	(p) Equip central university library building, step 1____	200,000
	San Diego Medical:	
	(q) Equip basic science building	300,000
	(r) Equip improvement at University Hospital of San Diego County _____	15,000
	San Francisco Medical:	
	(s) Equip unit for pharmaceutical chemistry graduate program _____	131,000
	Santa Barbara Campus:	
	(t) Equip physics unit 1_____	318,000
	Santa Cruz Campus:	
	(u) Equip college No. 4 (Merrill)	45,000
	(v) Equip natural sciences unit 2	314,000
	(w) Equip college No. 5—academic area _____	120,000
	(x) Equip classroom unit 1____	55,000
	Notwithstanding the provisions of Section 2.2 of this act, the amount in this item shall be available for expenditure only during the 1969–70 fiscal year.	
379	—For capital outlay, University of California, minor projects, payable from the Capital Outlay Fund for Public Higher Education_____	2,008,000
380	—For capital outlay, University of California, payable from the Capital Outlay Fund for Public Higher Education and notwithstanding any of the other provisions of Section 2.2 are hereby appropriated only during the 1969–70 fiscal year, provided that withdrawals shall be as required to meet current obligations as certified by the University of California____	1,135,000

Item		Amount
	Schedule:	
	(a) Project planning for the 1970–71 fiscal year	835,000
	(b) General studies	100,000
	(c) Advance planning studies	200,000
382—For capital outlay, University of California, subject to approval of the State Public Works Board; provided, that grants of money from the federal government become available under the terms of the granting agency and the provisions of Section 16, Budget Act of 1969, thereby releasing an equal amount of state-appropriated funds which are hereby reappropriated, payable from the Capital Outlay Fund for Public Higher Education		0
	Schedule:	
	Berkeley Campus:	
	(a) Construct Cory Hall alterations	175,000
	Davis Medical:	
	(b) Construct veterinary medical facilities unit 1, experimental animal housing	2,212,000
	Irvine Campus:	
	(c) Working drawings for biological sciences unit 2	190,000
	San Diego Campus:	
	(d) Construct addition to central utilities building, step 2	333,000
	San Diego Medical:	
	(e) Construct clinical science building	8,383,000
	Santa Cruz Campus:	
	(f) Construct social sciences unit 1	2,514,000
	(g) Working drawings for College No. 7 academic areas only	31,000
	(h) Federal reimbursements	—13,838,000
383—For capital outlay, Trustees of the California State Colleges, subject to the approval of the State Public Works Board, payable from the Capital Outlay Fund for Public Higher Education; provided that withdrawals shall be as		

Item		Amount
required to meet current obligations as certified by the Trustees of the California State Colleges		27,484,000
Schedule:		
Chico State College:		
(a) Site development—utilities—1969	1,158,000	
State College, Dominguez Hills:		
(b) Construct central plant	1,438,000	
(c) Construct utilities—1969	240,000	
State College, Fullerton:		
(d) Construct utilities—1969	235,000	
State College, Long Beach:		
(e) Construct general classroom and faculty office building	2,555,000	
State College, Los Angeles:		
(f) Site development—utilities—1969	489,000	
(g) Land acquisition	500,000	
Sacramento State College:		
(h) Site development—utilities—1969	822,000	
(i) Construct library building	6,680,000	
State College, San Bernardino:		
(j) Site development—utilities—1969	750,000	
San Jose State College:		
(m) Construct central library building	11,290,000	
California State Polytechnic College, Kellogg-Voorhis Campus:		
(n) Convert library	1,327,000	
384—For master planning, Trustees of the California State Colleges, payable from the Capital Outlay Fund for Public Higher Education, and notwithstanding any of the provisions of Section 2.2 are hereby appropriated for expenditure only during the 1969–70 fiscal year,		

Item		Amount
	provided that withdrawals shall be as required to meet current obligations as certified by the Trustees of the California State Colleges	243,000
	Schedule:	
	(a) Master planning ---------- 243,000	
385	—For capital outlay, Trustees of the California State Colleges, to be allocated to the state colleges, payable from the Capital Outlay Fund for Public Higher Education; provided, that withdrawals shall meet current obligations as certified by the individual state colleges	3,015,900
	Schedule:	
	State College, Bakersfield:	
	(a) Equip initial buildings ---- 181,500	
	Chico State College:	
	(b) Equip physical science addition ---------- 100,000	
	(c) Equip life science building 100,000	
	Fresno State College:	
	(d) Equip science building ---- 130,700	
	State College, Fullerton:	
	(e) Equip art building ------- 210,300	
	State College at Long Beach:	
	(f) Equip library building II -- 400,000	
	(g) Equip psychology building- 300,000	
	(h) Equip home economics building II ---------- 91,500	
	(i) Equip drama building ----- 189,000	
	State College, Los Angeles:	
	(j) Equip classroom building No. 2 ---------- 420,300	
	(k) Equip administration building ---------- 168,000	
	(l) Equip plant growth facility 55,500	
	Sacramento State College:	
	(m) Equip—remodel speech-drama building I and II--- 189,000	
	State College, San Bernardino:	
	(n) Equip library classroom building ---------- 250,000	

Item		Amount
San Francisco State College:		
(p) Equip music-speech building	117,800	
California State Polytechnic College, Kellogg-Voorhis Campus:		
(q) Equip agriculture classroom building	112,300	
Notwithstanding the provisions of Section 2.2 of this act, the amount in this item shall be available for expenditure only during the 1969–70 fiscal year.		
386—For capital outlay, California State Colleges, minor projects, payable from the Capital Outlay Fund for Public Higher Education		2,000,000
Schedule:		
(a) State College, Bakersfield	16,000	
(b) Chico State College	114,000	
(c) State College, Dominguez Hills	39,600	
(d) Fresno State College	121,500	
(e) State College, Fullerton	43,300	
(f) State College, Hayward	132,000	
(g) Humboldt State College	101,900	
(h) State College, Long Beach	169,400	
(i) State College, Los Angeles	94,300	
(j) Sacramento State College	64,500	
(k) State College, San Bernardino	50,000	
(*l*) San Diego State College	185,300	
(m) San Fernando Valley State College	144,600	
(n) San Francisco State College	180,500	
(o) San Jose State College	191,000	
(p) Sonoma State College	65,200	

Item		Amount
	(q) Stanislaus State College	12,800
	(r) State Polytechnic College, Kellogg-Voorhis Campus	140,400
	(s) State Polytechnic College, San Luis Obispo Campus	133,700
	provided, that no transfers may be made between the items as scheduled in this appropriation.	
387—For capital outlay, Trustees of the California State Colleges, subject to the approval of the State Public Works Board; provided, that grants of money from the federal government become available under the terms of the granting agency and the provisions of Section 17, Budget Act of 1969, thereby releasing an equal amount of state-appropriated funds which are hereby reappropriated, payable from the Capital Outlay Fund for Public Higher Education		0
Schedule:		
	State College, Bakersfield:	
	(a) Initial complement of library books—phase II	202,000
	(b) Working drawings for science building I	110,000
	Chico State College:	
	(c) Construct central chiller plant	1,076,000
	(e) Working drawings for library building	77,000
	Fresno State College:	
	(f) Working drawings for business classroom building	225,000
	State College, Fullerton:	
	(g) Construct boiler plant addition	557,000
	(h) Working drawings and construction of convert science building IV	533,703
	(i) Construct convert library third floor	165,000
	Sacramento State College:	
	(j) Working drawings for engineering addition	155,000

Item		Amount
	San Diego State College:	
	(k) Working drawings for humanities classroom building No. 1	140,000
	(*l*) Working drawings for chemistry-geology building	123,000
	(m) Working drawings and construction for central chilling plant and utilities—1969	130,000
	Sonoma State College:	
	(n) Construct remodel classroom building No. 1	183,000
	State Polytechnic College, Kellogg-Voorhis Campus:	
	(o) Working drawings for science building	325,000
	State Polytechnic College, San Luis Obispo Campus:	
	(p) Working drawings and construction of utilities—1969	83,900
	(q) Working drawings for classroom building No. 3	162,000
	(r) Working drawings and construction of remodel science building 1	160,000
	(s) Federal reimbursements	-4,407,603
388—For capital outlay, Trustees of the California State Colleges, to be allocated to the State Colleges; provided, that grants of money from the federal government become available under the terms of the granting agency and the provisions of Section 17, of this act, thereby releasing an equal amount of state appropriated funds which are hereby reappropriated, payable from the Capital Outlay Fund for Public Higher Education		0
	Schedule:	
	State College, Fullerton:	
	(a) Equip humanities-social science building	200,500
	(b) Equip engineering building	131,400
	State College, Hayward:	
	(c) Equip science building	100,000
	State College, Long Beach:	
	(d) Equip engineering building II	400,000

Item		Amount
	State College, Los Angeles:	
	(e) Equip library addition	441,900
	State College, San Bernardino:	
	(f) Equip biological science building	42,800
	(g) Equip physical science building	118,400
	San Diego State College:	
	(h) Equip library classroom building	300,000
	(i) Equip music classroom building	150,000
	Sonoma State College:	
	(j) Equip library building	46,000
	(k) Equip physical education facilities	52,000
	(*l*) Equip remodel classroom building No. 1	84,100
	State Polytechnic College, San Luis Obispo Campus:	
	(m) Equip remodel science building	87,900
	(n) Federal reimbursements	–2,155,000
	Notwithstanding the provisions of Section 2.2 of this act, the amount in this item shall be available for expenditure only during the 1969–70 fiscal year.	
389—For capital outlay, California Maritime Academy		250,000
	Schedule:	
	(a) Construct library building	234,000
	(b) Working drawings for residence hall	16,000
390—For capital outlay, California Maritime Academy, minor projects		4,500
390.5—For capital outlay, Board of Governors of the California Community Colleges, to be allocated, subject to prior approval of the State Public Works Board, by the Board of Governors of the California Community Colleges to the community college districts for expenditure by said community college districts, in accordance with and not to exceed the amounts set forth in the priority category I schedule in Item 417, payable from the General Fund		2,392,776

Item		Amount
provided, that any expenditures from this item are to be considered as a loan to Item 417 of this act, to be repaid from the first proceeds of the sale of bonds authorized by the Junior College Construction Program Bond Act of 1968, made after June 30, 1969.		
HEALTH AND WELFARE		
391—For capital outlay, Department of Mental Hygiene		1,102,060
Schedule:		
Mendocino State Hospital:		
(a) Improvements to electrical distribution system	244,600	
Porterville State Hospital:		
(b) Install primary electric cable	108,760	
Napa State Hospital:		
(c) Replace heating—children's unit complex	130,180	
(d) Remodel wards for mentally retarded patients	568,520	
Statewide:		
(e) Master planning for hospitals for the mentally ill and mentally retarded	50,000	
392—For capital outlay, Department of Mental Hygiene, minor projects		1,396,024
MILITARY AFFAIRS		
393—For capital outlay, Military Department, for project planning, working drawings and supervision of construction financed from federal funds		165,000
394—For capital outlay, Military Department, minor projects		128,700
REGULATION AND LICENSING		
395—For capital outlay, Department of Professional and Vocational Standards, minor projects, payable from the Professional and Vocational Standards Fund		50,000

RESOURCES

Item		Amount
396—For capital outlay, Department of Conservation		492,185
Schedule:		
(a) Land acquisition for Oakridge Lookout	5,000	
(b) Land acquisition for Sandy Point Forest Fire Station	4,000	
(c) Land acquisition for Almaden Forest Fire Station	12,500	
(d) Land acquisition for Dulzura Forest Fire Station	10,000	
(e) Land acquisition for Yucaipa Forest Fire Station	25,000	
(f) Construct San Juan Capistrano Forest Fire Station	206,600	
(g) Equip San Juan Capistrano Forest Fire Station	3,830	
(h) Construct Bieber Forest Fire Station	135,700	
(i) Equip Bieber Forest Fire Station	1,890	
(j) Restore Nevada City Ranger Unit Headquarters — radio and auto shop building	87,000	
(k) Equip Nevada City Ranger Unit Headquarters — radio and auto shop building	665	
397—For capital outlay, Department of Conservation, minor projects		757,815
Notwithstanding the provisions of Section 2.2 of this act, the amount in this item for minor projects shall be available for expenditure during the 1969–70 and 1970–71 fiscal years.		
398—For capital outlay, Department of Water Resources, minor projects		84,650
399—For capital outlay, Air Resources Board, payable from the Motor Vehicle Fund		199,431
Schedule:		
(a) Land acquisition and working drawings for motor vehicle pollution control laboratory	199,431	

TRANSPORTATION

400—For capital outlay, Department of the California Highway Patrol, payable from the Motor Vehicle Fund	1,239,595

Item		Amount
Schedule:		
(a) Working drawings and site acquisition for new academy	580,000	
(b) Land acquisition—Oakland	410,000	
(c) Radio communications equipment—statewide	249,595	
401—For capital outlay, Department of the California Highway Patrol, minor projects, payable from the Motor Vehicle Fund		51,500
402—For capital outlay, Department of Motor Vehicles, payable from the Motor Vehicle Fund		3,678,050
Schedule:		
(b) Land acquisition for office building and parking facilities—Whittier	693,000	
(c) Land acquisition for office building and parking facilities—Anaheim	396,750	
(d) Land acquisition for office building and parking facilities—Salinas	287,500	
(f) Working drawings and construction of office building and parking facilities—Bellflower	527,000	
(g) Working drawings and construction of office building and parking facilities—Los Gatos	364,900	
(h) Working drawings for office building and parking facilities—Midway City	32,000	
(i) Working drawings and construction of office building and parking facilities—San Leandro	439,300	
(j) Working drawings and construction of office building and parking facilities—Culver City	501,300	
(k) Working drawings for office building — northeast area—Sacramento	30,000	
(mx) Working drawings and construction for realignment of 26th Street—Sacramento	82,300	
(mxx) Working drawings and construction of additional office facilities—Inglewood	264,000	
(n) Preliminary planning	60,000	

Item		Amount
403—For capital outlay, Department of Motor Vehicles, minor projects, payable from the Motor Vehicle Fund		125,200

VETERANS AFFAIRS

404—For capital outlay, Veterans' Home of California, minor projects		53,150

UNALLOCATED

405—For project planning, to be allocated by the Department of Finance, subject to approval by the State Public Works Board, to state agencies The amount appropriated in this item is not to be construed as a commitment by the Legislature as to the amount of capital outlay funds it will appropriate in any future fiscal year.		150,000
406—For miscellaneous repairs, improvements and equipment, to be allocated to state agencies by the Department of Finance, upon approval of the State Public Works Board provided, the amount appropriated in this item shall be available only for the 1969–70 fiscal year.		50,000

WILDLIFE CONSERVATION PROGRAM

407—For capital outlay, Department of Fish and Game, payable from the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item Schedule:		98,000
(a) Replacement of patrol boat	75,000	
(b) Replacement of hatchery ponds at Darrah Springs—working drawings	20,000	
(c) Preliminary planning—Region I office expansion	3,000	
408—For capital outlay, Department of Fish and Game, payable from the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item		2,600,000

Item		Amount
	Schedule:	
	(a) Construct Glenn-Colusa Fish Screen ---------- 2,600,000	
	provided, that any moneys received from the federal anadromous fish bill (Public Law 89-304) on behalf of this project shall be deposited to the credit of the Fish and Game Preservation Fund.	
409	—For capital outlay, Department of Fish and Game, payable from the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item, minor projects ----------	417,600

PARKS AND RECREATION ACQUISITION AND DEVELOPMENT PROGRAM

410	—For capital outlay, Department of Parks and Recreation ----------	6,306,025
	Schedule:	
	(a) Bolsa Chica State Beach, for beach erosion control ------ 86,625	
	(b) Butano State Park, for development ---------- 386,700	
	(c) Carpinteria State Beach, for development ---------- 1,385,200	
	(d) Castaic Reservoir, for development ---------- 2,372,500	
	provided, that plans for the development of sewer facilities at Castaic Reservoir shall be reviewed by the Department of Water Resources; and provided further, that whenever the County of Los Angeles or another party or agency uses any capacity of the sewerage facility financed by this appropriation, the operation and maintenance charged the state for the sewerage facility shall be reduced by an amount prorated on the basis of the capital costs and operation and maintenance costs of the capacity so used, or other equivalent payment provided. An alternative project at the Castaic Ridge location is authorized subject to State Public Works Board approval based on submission of full cost and other data.	
	(e) Fort Ross State Historic Park, for reconstruction --- 75,000	

Item		Amount
	(f) Lake Tahoe and Donner Lake Basins, for export of sewage ---------- 2,000,000 The Department of Parks and Recreation shall contract with the Department of Water Resources for a review of the engineering, cost, and cost sharing aspects at the proposed facilities and the State Water Resources Control Board shall review and approve the proposed facilities for overall conformance with plans for state assistance to export sewage from the Tahoe Basin.	
410.1	—For capital outlay, Department of Parks and Recreation, for development of the Bidwell Canyon-Kelly Ridge Area of Oroville Reservoir State Recreation Area ---------- notwithstanding the provisions of Section 2.2 of this act, the amount provided by this item shall be available for encumbrance only until March 15, 1970; provided that, this appropriation shall be available for encumbrance only after the approval by the Directors of Parks and Recreation and Finance of a concession contract for the Bidwell Canyon-Kelly Ridge Area.	1,500,000
410.5	—For capital outlay, Department of Parks and Recreation, for transfer to the Department of Water Resources ---------- provided, that these funds may be used only to reimburse the Department of Water Resources for the cost of nonrecreational lands at the Frenchman, Antelope Valley and Grizzly Valley features of the State Water Facilities Project. Land at the aforementioned facilities is to be exchanged for lands owned by the United States government at Squaw Valley, Plumas-Eureka State Park and damsites on Jamison Creek to be conveyed to the Department of Parks and Recreation pursuant to Water Resources Code Section 11915.5. This appropriation shall be in effect on the effective date of this act notwithstanding any other provisions of law.	199,325
411	—For capital outlay, Department of Parks and Recreation, minor projects ----------	672,660

Item		Amount
412—For capital outlay, Department of Parks and Recreation, for maintenance at Hearst San Simeon State Historical Monument, payable from funds accumulated under the provisions of Item 219.5, Budget Act of 1968		50,000
413—For capital outlay, Department of Parks and Recreation, payable from the Harbors and Watercraft Revolving Fund		819,400
Schedule:		
(a) Castaic Reservoir, for development of boating facilities	163,600	
(b) Del Valle Reservoir, for development of boating facilities	60,000	
(c) Folsom Lake State Recreation Area (Brown's Ravine Marina), for development	595,800	
414—For capital outlay, Department of Parks and Recreation, minor projects, payable from the Harbors and Watercraft Revolving Fund		30,400

STATE CONSTRUCTION BOND ACT PROGRAM

SEC. 2.3. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1969–70, 1970–71 and 1971–72 fiscal years for expenditure only for the programs contemplated by the State Construction Program Bond Act of 1955, the State Construction Program Bond Act of 1958, the State Construction Program Bond Act of 1962 and the State Construction Program Bond Act of 1964. All such appropriations shall be paid out of the State Construction Program Fund.

UNALLOCATED

Item	Amount
416—For augmentation of the appropriation made by Section 16354, Government Code, for expenditure in accordance with the provisions of said section for any capital outlay project for which an appropriation has been made under the State Higher Education Construction Program Bond Act of 1966, payable from the unappropriated balance of the State Construction Program Fund derived from the proceeds of bonds authorized by the electorate prior to 1966	5,000,000

JUNIOR COLLEGE CONSTRUCTION BOND ACT PROGRAM

SEC. 2.4. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure

during the 1969–70, 1970–71 and 1971–72 fiscal years for expenditure only for the programs contemplated by the Junior College Construction Program Bond Act of 1968. All such appropriations shall be paid out of the State Construction Program Fund.

Item		Amount
417—For capital outlay, Board of Governors of the California Community Colleges to be allocated, subject to the prior approval of the State Public Works Board, by the Board of Governors of the California Community Colleges to the community college districts for expenditure by said community college districts, in accordance with the priority categories designated and not to exceed the amounts set forth in the following schedule; provided, that no expenditures shall be made in any category until the availability of funds has been established by the Department of Finance for all preceding categories; provided further, that in the event any of the loan funds, authorized by Item 390.5 of this act, are expended, the first proceeds of the sale of bonds authorized by the Junior College Construction Program Bond Act of 1968, made after June 30, 1969, shall be used to repay any expenditures made in accordance with Item 390.5 of this act or for the purpose defined in this item, payable from the State Construction Program Fund		29,307,662
Schedule:		
I Equipment		2,392,776
Citrus Junior College District:		
(d) Equip auditorium and music building	105,466	
Contra Costa Junior College District, Diablo Valley Campus:		
(f) Equip resources materials, library center and audio-visual center	172,059	
Hartnell Joint Junior College District:		
(n) Equip vocational-technical building	135,096	

Item	Amount
Los Rios Joint Junior College District, Cosumnes River Campus:	
(y) Equip library forum building	328,051
(z) Equip physical education building	24,355
(aa) Equip science complex	158,548
American River Campus:	
(cc) Equip library building	83,584
(dd) Equip women's physical education building	14,186
North Orange County Junior College District, Fullerton Campus:	
(vv) Equip library and science buildings alterations	129,444
Orange Coast Junior College District, Golden West Campus:	
(bbb) Equip buildings in increment III	386,542
San Diego Unified School District, San Diego City Campus:	
(uuu) Equip library building	56,835
(vvv) Equip creative arts building	182,817
Santa Ana Junior College District:	
(ffff) Equip T and I and music building	59,808
Santa Barbara Junior College District:	
(vvvv) Equip life science-geology building	49,348
Santa Monica Unified School District:	
(wwww) Equip technology building	110,342

Item		Amount
Solano County Junior College District:		
(ccccc) Equip science building	107,713	
(ddddd) Equip social science and language building	22,820	
Yosemite Junior College District, Columbia Junior College:		
(*llllll*) Equip learning resources center	141,365	
(mmmmmm) Equip forum building	24,074	
(nnnnnn) Equip lecture building	20,456	
(oooooo) Equip seminar building	1,835	
(pppppp) Equip creative arts building	3,205	
(qqqqqq) Equip business building	25,460	
(rrrrrr) Equip science and natural resources building	49,367	
II Utility—Site Development		1,481,604
Citrus Junior College District:		
(e) Construct campus utilities	39,639	
Marin Junior College District, Kentfield Campus:		
(ff) Site development and demolition	124,345	
Orange Coast Junior College District, Golden West Campus:		
(aaa) Construct site development for increment III	149,567	
Orange Coast Campus:		
(ggg) Construct electrical distribution system	141,185	
San Francisco Unified School District:		
(aaaa) Construct utility plan	28,183	

Item		Amount
Santa Ana Junior College District:		
(oooo) Construct site development	646,880	
(pppp) Construct off-site development	7,359	
Solano County Junior College District:		
(qqqqq) Construct central mechanical plant	344,446	
III Alteration Projects		242,204
Chaffey Union Junior College District:		
(c) Convert and equip business education building	14,337	
Marin Junior College District, Kentfield Campus:		
(ee) Working drawings for remodel art building	9,920	
Merced Junior College District:		
(kk) Construct science building alterations	25,315	
Riverside Junior College District:		
(qqq) Construct and equip remodel of Terracina Building for art department	54,163	
Siskiyou Joint Junior College District:		
(zzzz) Construct relighting of four existing buildings	19,144	
Ventura County Junior College District, Ventura Campus:		
(dddddd) Reconstruct buildings J, K, and W	72,081	
Yuba Junior College District:		
(ssssss) Convert and equip engineering, mathematics, and science laboratories	47,244	

Item		Amount
IV	Instructional Capacity Projects	13,062,901
	Chaffey Union Junior College District:	
(b)	Construct and equip business academic offices	21,353
	Contra Costa Junior College District, Diablo Valley Campus:	
(g)	Construct technical-vocational facility	613,556
	Gavilan Joint Junior College District:	
(j)	Construct business education building	245,040
(k)	Equip business education building	28,235
	Grossmont Junior College District:	
(*l*)	Construct alterations to administration facilities	82,320
	Lassen Junior College District:	
(p)	Construct administration, library, and liberal arts building	653,500
(q)	Construct technical-vocational building	530,711
	Los Rios Joint Junior College District, Cosumnes River Campus:	
(x)	Construct, relocate portable buildings	61,454
(bb)	Equip portable buildings	16,193
	Long Beach Unified School District:	
(t)	Construct technical education building	744,718
	Merced Junior College District:	
(jj)	Construct and equip metal fabrication and agricultural mechanics shop	117,185

Item	Amount
(*ll*) Construct and equip faculty office building	43,374
Mt. San Jacinto Junior College District:	
(qq) Construct vocational building	125,733
(rr) Equip vocational building	17,662
North Orange County Junior College District, Fullerton Campus:	
(ww) Construct study skills center and classroom addition	155,493
(xx) Equip study skills center and classroom addition	17,325
Orange Coast Junior College District, Golden West Campus:	
(ccc) Construct police science building	62,345
(eee) Construct food service building	169,334
Orange Coast Campus:	
(jjj) Construct counseling and admission records building	160,223
(kkk) Equip counseling and admission records building	16,244
Pasadena Area Unified School District:	
(*lll*) Construct alterations—"C" building central chiller plant	932,862
(mmm) Construct alterations—"L" building	110,647
North Orange County Junior College District, Cypress Campus:	
(yy) Construct science facility	2,374,563
(zz) Construct business education building	1,128,041
San Diego Unified School District, Miramar Campus:	
(www) Construct shop and classroom building	238,107

Item		Amount
	San Francisco Unified School District:	
	(zzz) Construct creative arts annex	313,027
	Santa Ana Junior College District:	
	(gggg) Construct humanities building	417,496
	(hhhh) Equip humanities building	25,909
	(*llll*) Construct auto diesel expansion	296,427
	(mmmm) Equip auto diesel expansion	103,941
	Santa Barbara Junior College District:	
	(ssss) Construct nursing education facility	257,844
	Shasta Joint Junior College District:	
	(xxxx) Construct and equip conversion of maintenance building to fire science facility	17,557
	(yyyy) Construct and equip warehouse and maintenance building	63,416
	Solano County Junior College District:	
	(eeeee) Construct business education building	222,551
	(fffff) Equip business education building	27,161
	(*ggggg*) Construct mathematics and engineering building	210,879
	(hhhhh) Equip mathematics and engineering building	25,762
	(iiiii) Construct vocational arts building	294,635
	(jjjjj) Equip vocational arts building	39,733
	(kkkkk) Construct administration building	238,980
	(*lllll*) Equip administration building	28,801

Item		Amount
State Center Junior College District, Fresno Campus:		
(wwwww) Construct mathematics, science and health services building	828,798	
(uuuuu) Construct faculty office building "A"	94,447	
(vvvvv) Equip faculty office building	13,393	
Reedley Campus:		
(aaaaaa) Construct vocational-technical addition	54,192	
(bbbbbb) Equip vocational-technical addition	51,880	
West Valley Joint Junior College District:		
(ffffff) Construct language arts-social science building	769,854	
V Working Drawings for Academic Instructional Projects		183,992
Los Angeles City Junior College District, Los Angeles Southwest College:		
(u) Working drawings for new campus—phase 1(A)	77,842	
West Valley Joint Junior College District:		
(iiiiii) Working Drawings for business division, student personnel and administration building	58,267	
(kkkkkk) Working drawings for humanities and fine arts building	47,883	
VI Library Projects		2,121,246
Kern Joint Junior College District:		
(o) Construct addition to library building	317,408	
Marin Junior College District, Kentfield Campus:		
(gg) Preliminary plans and working drawings for library center	58,801	

Item		Amount
San Diego Unified School District, Mesa Campus:		
(yyy) Construct reading room	109,069	
Santa Ana Junior College District:		
(jjjj) Construct library expansion	659,754	
(kkkk) Equip library expansion	64,489	
Sonoma County Junior College District:		
(rrrrr) Construct library facility	606,247	
(sssss) Equip library facility	57,710	
State Center Junior College District, Fresno Campus:		
(ttttt) Construct library addition	247,768	
VII Physical Education Projects		6,043,557
Los Angeles City Junior College District, Los Angeles Valley College:		
(v) Construct women's physical education building	283,371	
Orange Coast Junior College District, Orange Coast Campus:		
(hhh) Construct physical education building	101,650	
Santa Ana Junior College District:		
(qqqq) Construct physical education multipurpose building	294,772	
(rrrr) Equip physical education multipurpose building	14,946	
Santa Barbara Junior College District:		
(tttt) Construct physical education complex	1,099,311	
Solano County Junior College District:		
(mmmmm) Construct physical education building	956,044	

Item		Amount
(nnnnn) Equip physical education building	98,053	
West Valley Joint Junior College District:		
(jjjjjj) Working drawings for physical education building	110,541	
Lassen Junior College District:		
(r) Construct gymnasium	952,882	
Orange Coast Junior College District, Golden West Campus:		
(fff) Construct outdoor physical education facilities	46,446	
Peralta Junior College District:		
(nnn) Construct outdoor physical education facilities	579,183	
Redwood Junior College District:		
(ooo) Construct physical education complex	847,785	
(ppp) Equip physical education complex	25,709	
San Luis Obispo Junior College District:		
(eeee) Construct physical education building	400,508	
Siskiyou Joint Junior College District:		
(bbbbb) Construct athletic fields	47,829	
State Center Junior College District, Reedley Campus:		
(xxxxx) Construct handball courts	45,243	
(yyyyy) Construct and equip physical education locker room	92,612	
(zzzzz) Construct physical education addition	46,672	
VIII Drama-Theater Projects		1,027,054

Item		Amount
Napa Junior College District:		
(uu) Construct little theater	498,629	
Orange Coast Junior College District, Golden West Campus:		
(ddd) Construct theater arts building	528,425	
IX Miscellaneous Projects		2,752,328
Antelope Valley Joint Junior College District:		
(a) Construct maintenance building	60,862	
El Camino Junior College District:		
(gx) Land acquisition	525,998	
Fremont-Newark Joint Junior College District:		
(h) Construct site development	126,092	
(i) Land acquisition	329,600	
Grossmont Junior College District:		
(m) Construct swimming pool	113,925	
Lassen Junior College District:		
(s) Construct off-site development	2,170	
Los Rios Joint Junior College District, Cosumnes River Campus:		
(w) Construct site development	245,420	
Marin Junior College District, North Campus:		
(hh) Land acquisition	75,650	
(ii) Working drawings for site development	57,508	
Merced Junior College District:		
(mm) Construct site development	30,812	
(nn) Construct warehouse and maintenance building	114,615	

Item	Amount
(oo) Equip warehouse and maintenance building	13,271
Monterey Peninsula Junior College District:	
(pp) Construct irrigation system and turf	8,242
Mt. San Jacinto Junior College District:	
(ss) Construct site development	48,455
(tt) Construct and equip warehouse and maintenance building	23,297
Orange Coast Junior College District, Orange Coast Campus:	
(iii) Construct food service building	89,732
Riverside Junior College District:	
(rrr) Construct erosion control of promontory banks	49,176
(sss) Construct erosion control of arroyo banks	96,117
(ttt) Construct Ramona Drive extension	115,613
San Diego Unified School District, Mesa Campus:	
(xxx) Construct central storage building	64,474
San Jose Junior College District, South Eastside Campus:	
(bbbb) Land acquisition	17,962
(dddd) Master planning	23,550
North Eastside Campus:	
(cccc) Land acquisition	92,790
Santa Ana Junior College District:	
(iiii) Construct and equip conversion of building "H" to maintenance building	13,509
(nnnn) Construct maintenance building	41,926

Item	Amount
Santa Barbara Junior College District:	
(uuuu) Construct life science and geology building—phase II	75,614
Siskiyou Joint Junior College District:	
(aaaaa) Construct maintenance shop and corporation yard	33,151
Solano County Junior College District:	
(ooooo) Construct warehouse and maintenance building	79,100
(ppppp) Equip warehouse and maintenance building	7,536
Sweetwater Junior College District:	
(cccccc) Construct maintenance addition	13,681
Ventura County Junior College District, Ventura Campus:	
(eeeeee) Construct and equip aquatic facilities	107,643
West Valley Joint Junior College District:	
(ggggggg) Working drawings for warehouse and maintenance building	18,349
(hhhhhh) Working drawings for library building	36,488

STATE BEACH, PARK, RECREATIONAL AND HISTORICAL FACILITIES BOND ACT PROGRAM

SEC. 2.5. The following sums of money, or so much thereof, as may be necessary, unless otherwise provided herein, are hereby appropriated for the 1969–70 fiscal year beginning July 1, 1969, and ending June 30, 1970. All such appropriations, unless otherwise herein provided, shall be paid out of the State Beach, Park, Recreational and Historical Facilities Fund in the State Treasury.

All bond proceeds available on July 1, 1969 and any supplemental funds made available by appropriation or loan to finance any appropriations made from the State Beach, Park, Recreational and Historical Facilities Bond Fund shall be expended or reserved to the extent available only on the

basis of priorities I through IV as shown below. This limitation shall not apply to costs for state operations.

Priority I—Pfeiffer Big Sur
Gaviota-Refugio
Mitchell Caverns
Montgomery Woods
San Diego "Old Town"
Priority II—Point Mugu
Bolsa Chica
Twin Lakes
Priority III—Montana de Oro
Picacho
MacKerricher Beach
Priority IV—Grant program consisting of acquisition projects completed, grantees awaiting payment, development projects underway, and acquisition projects estimated to be completed by October, 1969.

Appropriations for any additional projects and purposes not included in priorities I through IV above shall be subject to expenditure only after the Controller certifies that additional bond proceeds are available for such projects or purposes or the Director of Finance certifies that sufficient funds have been made available by other appropriations to finance such projects or purposes.

LOCAL ASSISTANCE

Item		Amount
418—For grants to counties, cities or cities and counties pursuant to Section 5096.15(d) of the Public Resources Code, Department of Parks and Recreation, payable from the State Beach, Park, Recreational and Historical Facilities Fund		7,247,611
Schedule:		
(a) County of Del Norte, Florence Keller Regional Park, for development	46,000	
(b) County of Kern, Kern River State Park, for development	184,370	
(c) County of Kings, Corcoran Regional Park, for acquisition and development	50,000	
(d) City of Los Angeles, El Dorado Park (East), for development	114,659	
(e) City of Pomona, Ganesha Park, for development	25,503	
(f) City of Los Angeles, Griffith Park, for development	985,716	

Item		Amount
	(g) City of Monrovia, Monrovia Canyon Park, for development	9,485
	(h) County of Los Angeles, Oak Grove County Park, for development	228,895
	(i) City of Santa Monica, Santa Monica State Beach, for development	27,800
	(j) City of Burbank, Stough Park, for development	179,576
	(k) City of Torrance, Torrance Regional Park, for acquisition	39,414
	(*l*) City of Glendale, Verdugo Mountains Scenic Drive and Conservation Park Area, for acquisition	246,600
	(m) County of Marin, Bay Front (China Camp) County Park, for acquisition	86,250
	(n) County of Mariposa, Mariposa Creek, for acquisition	75,000
	(o) County of Mendocino, Low Gap Regional Park, for development	73,850
	(p) County of Merced, Merced County Capital Development Project, for development	38,000
	(r) County of Napa, Old Bale Mill for development	9,000
	(s) County of Orange, Fullerton Dam Regional Park, for acquisition and development	75,000
	(t) County of Orange, Laguna Niguel Regional Park, for development	29,000
	(u) County of Orange, Mile Square Regional Park, for development	212,500
	(v) County of Orange, University Regional Park, for development	212,500
	(w) City of Lincoln, McBean Memorial Park, for development	20,000
	(x) County of Riverside, Bogart Park, for development	108,000

Item	Amount
(y) County of Riverside, McCall Memorial Park, for acquisition and development	106,250
(z) County of Riverside, San Jacinto River Park, for acquisition	62,500
(aa) County of Riverside, Valley Hi Park, for acquisition	67,000
(bb) Carmichael Recreation and Park District, Carmichael Park, for development	33,750
(cc) County of San Bernardino, Big Bear Regional Park, for acquisition	125,000
(dd) County of San Bernardino, Calico Ghost Town Regional Park, for development	75,500
(ee) County of San Diego, Guajome Regional Park, for acquisition and development	1,000,000
(ff) County of San Diego, Los Penasquitos Regional Park, for acquisition and development	1,000,000
(gg) County of San Diego, Sweetwater Reservoir Regional Park, for acquisition and development	389,500
(hh) County of San Joaquin, B and L Ranch Oak Grove, for acquisition and development	106,650
(jj) City of Lodi, Lodi Lake Municipal Park, for acquisition	63,360
(kk) County of San Joaquin, South County Regional Park, for acquisition and development	160,000
(*ll*) County of San Luis Obispo, Atascadero County Park, for acquisition and development	38,600
(mm) County of San Luis Obispo, Santa Rita Reservoir Recreation Area, for development	40,000
(nn) City of Anderson, Anderson River Park, for acquisition and development	60,000
(oo) County of Shasta, Fort Crook Museum, for development	35,000

Item		Amount
	(pp) City of Redding, Turtle Bay, for development	51,600
	(rr) Dunsmuir Recreation District, Dunsmuir City Park, for development	40,000
	(ss) County of Siskiyou, Happy Camp Community Park, for development	24,420
	(tt) Mount Shasta Recreation District, Mount Shasta City Park, for development	10,580
	(uu) County of Solano, Hunter Hill Regional Park, for acquisition and development	56,250
	(vv) County of Solano, Lagoon Valley, for acquisition and development	70,000
	(ww) County of Solano, Lake Solano-Putah Creek Trails, for acquisition and development	7,000
	(xx) County of Solano, Twin Sisters Park, for acquisition and development	68,000
	(yy) County of Solano, Morrow Island Aquatic Park, for acquisition and development	71,000
	(zz) County of Sonoma, Jenner-Russian Gulch County Park, for acquisition and development	150,000
	(aaa) County of Sonoma, Mount Hood County Park, for acquisition	75,705
	(bbb) County of Sutter, Live Oak Recreation Area, for development	38,000
	(ccc) County of Ventura, Beardsley Park, for acquisition	109,828
	(ddd) County of San Bernardino, Copper Mountain Regional Park, for development	35,000
419	—For project review, Department of Parks and Recreation, for purposes set forth in Section 5096.15(d) of the Public Resources Code, payable from the State Beach, Park, Recreational and Historical Facilities Fund	81,364
420	—For grants to counties, cities, or cities and counties pursuant to Section 5096.15(d) of the Public Resources Code, Department of Parks and Recreation, for expenditure during	

Item		Amount
the 1969–70, 1970–71 and 1971–72 fiscal years, payable from the State Beach, Park, Recreational and Historical Facilities Fund		655,216
Schedule:		
(a) County of Marin, Bay Front (China Camp) County Park, for acquisition	82,868	
(b) City of Grass Valley, Condon Park, for development	36,030	
(c) County of Riverside, Collis Mayflower Park, for acquisition	68,579	
(d) County of Riverside, Gavilan Hills, Juniper Grove Park, for acquisition	201,645	
(e) County of Riverside, Willis Palms Oasis, for acquisition	37,403	
(f) County of Solano, Lagoon Valley, for acquisition	24,740	
(g) County of Sonoma, Mount Hood County Park, for acquisition	72,735	
(h) County of Ventura, Beardsley Park, for acquisition	105,522	
(i) Project administration for reimbursement to the Special Deposit Fund, "Land and Water Conservation Trust," of the Department of Parks and Recreation for expenses incurred in the administration of the Land and Water Conservation Fund Program, a federal grant program created with the enactment of Public Law 77-578	25,694	

provided, that none of the funds appropriated for the individual projects in this item shall be available for expenditure until the state has been notified in writing by the federal government that the project has been approved and that federal funds are available to the state for expenditure and are deposited to the credit of the State Beach, Park, Recreational, and Historical Facilities Fund, pursuant to Section 5096.26 of the Public Resources Code; provided further, that this appropriation is not to commit the Legislature to the distribution in a similar manner of other Land and Water Conservation Fund

Item		Amount
	grants received from the federal government hereafter.	
	WILDLIFE CONSERVATION PROGRAM	
421	For capital outlay, Wildlife Conservation Board, Department of Fish and Game, for the purpose of constructing the Imperial Valley Warmwater Hatchery pursuant to Section 5096.15(c) of the Public Resources Code, for expenditure during the 1969–70, 1970–71, and 1971–72 fiscal years, payable from the State Beach, Park, Recreational and Historical Facilities Fund	1,181,349
	PARKS AND RECREATION ACQUISITION AND DEVELOPMENT PROGRAM	
422	For capital outlay, Department of Parks and Recreation, for the purposes set forth in Section 5096.15(a) of the Public Resources Code, for expenditure during the 1969–70, 1970–71, and 1971–72 fiscal years, payable from the State Beach, Park, Recreational and Historical Facilities Fund	2,875,000
	Schedule:	
	(a) Land acquisition program—statewide 1,000,000	
	provided, that any expenditure from this $1,000,000 appropriation shall be subject to the same limitations that apply to the original appropriations; and provided further, that the $1,000,000 shall be expended only to augment acquisitions secured under condemnation actions.	
	(b) Emma Wood State Beach, for acquisition 1,425,000	
	(c) El Presidio de Santa Barbara, for acquisition 450,000	
	provided, that the $450,000 made available for the El Presidio de Santa Barbara acquisition shall be expended only to acquire lands within the dotted line on the Department of Parks and Recreation map designated as Plate 1, El Presidio de Santa Barbara State Historical Monument Additions; and provided further, that it is the intention of the Legislature that no future additions to this historical monument be made by expenditure of any state funds.	

Item			Amount
423—For capital outlay, Department of Parks and Recreation, for purposes set forth in Section 5096.15(b) of the Public Resources Code, for expenditure during the 1969–70, 1970–71, and 1971–72 fiscal years, payable from the State Beach, Park, Recreational, and Historical Facilities Fund			1,467,294
Schedule:			
(a) San Diego "Old Town," for development		250,000	
(b) Sugar Pine Point State Park, for development		992,094	
(c) Refugio State Beach, water supply system, for development		225,200	
424—For capital outlay, Department of Parks and Recreation, for the purposes set forth in Section 5096.15(b) of the Public Resources Code, payable from the State Beach, Park, Recreational and Historical Facilities Fund			133,920
Schedule:			
(a) For project planning under provisions of Section 5096.15(b) of the Public Resources Code		133,920	
425.1—For transfer by the State Controller from Federal Land and Water Conservation Fund money deposited in the State Beach, Park, Recreational and Historical Facilities Fund to the Special Deposit Fund in augmentation of the account established through provisions of Item 378.9, Budget Act of 1968, any money received in the 1969–70 fiscal year from the federal government and deposited in the State Beach, Park, Recreational and Historical Facilities Bond Fund, pursuant to Section 5096.26 of the Public Resources Code which, in the determination of the Director of Finance, is intended to be allocated to, or expended for, the state park system; provided, that the money so transferred shall be held in trust in the Special Deposit Fund for development of the state park system and shall be available for expenditure only upon appropriation by the Legislature after the Director of Parks and Recreation has submitted a program in the Governor's Budget for expenditure of such money on projects to develop the state park system.			
425.5—For expenditure to meet Priority IV, Section 2.5, Budget Act of 1969, in the event that			

Item		Amount
	sufficient funds are not available from the State Beach, Park, Recreational and Historical Facilities Fund, payable from moneys received from the federal government as federal open-space grants and under the provisions of Item 378.9 Budget Act of 1968_____ provided, that all such expenditures shall be repaid from the first bond sale proceeds of the State Beach, Park, Recreational and Historical Facilities Fund received and deposited in the Special Deposit Fund or held in trust subject to the conditions set forth in Item 425.1 of the Budget Act of 1969.	3,064,812

REAPPROPRIATIONS

426—Notwithstanding any other provisions of law, the undisbursed balances on the effective date of this act, Items 362(a), 362(b), 362(c), Budget Act of 1965, are reappropriated for the purposes and with the same limitations provided for in said appropriation and shall be available for expenditure until June 30, 1970.

427—Notwithstanding any other provisions of law, the undisbursed balances on the effective date of this act, Items 365(a), 365(c), 365(d), 365(f), 365(j), Budget Act of 1965, are reappropriated for the purposes provided for in said appropriations, and shall be available for expenditure until June 30, 1970.

428—Notwithstanding any other provisions of law, the undisbursed balances on the effective date of this act, Items 418(a), 418(c), 418(e), 418(f), 418(h), 418(j), 418(k), 418(n), 418(o), 418(r), 418(t), 418(y), 418(z), 418(bb), 418(kk), Budget Act of 1966, are reappropriated for the purposes provided for in said appropriations and shall be available for expenditure until June 30, 1970.

429—Notwithstanding any other provisions of law, the undisbursed balances on the effective date of this act, Items 420(c), 420(f), 420(g), Budget Act of 1966, are reappropriated for the purposes provided for in said appropriation and shall be available for expenditure until June 30, 1970.

430—Notwithstanding any other provisions of law, the undisbursed balance on the effective date of this act, Item 423(q), Budget Act of 1966, is reappropriated for the purpose provided

Item	Amount
for in said appropriation and shall be available until June 30, 1970.	
431—Notwithstanding any other provisions of law, the undisbursed balances on the effective date of this act, Items 423(a), 423(c), 423(f), 423(g), 423(h), 423(i), 423(j), 423(m), 423(r), 423(t), Budget Act of 1966, are reappropriated for the purposes and with the same limitations provided for in said appropriation and shall be available until June 30, 1970.	
431.5—Notwithstanding any other provisions of law, the undisbursed balance, on the effective date of this act, of Item 424(c), Budget Act of 1966, is reappropriated for the purpose provided in said appropriation; and in addition, shall be available for the purpose of providing an access road for the development of La Jolla Valley.	
REVERSIONS	
432—As of June 30, 1969, the amount of $400,000 of the appropriation made by Item 423(q), Budget Act of 1966, shall revert to the unappropriated balance of the State Beach, Park, Recreational and Historical Facilities Fund.	
433—As of June 30, 1969, the amount of $540,000 of the appropriation made by Item 343.6(b), Budget Act of 1967, shall revert to the unappropriated balance of the State Beach, Park, Recreational and Historical Facilities Fund.	
434—As of June 30, 1969, the amount of $90,000 of the appropriation made by Item 343.5, Budget Act of 1967, as reappropriated by Item 380, Budget Act of 1968, shall revert to the unappropriated balance of the State Beach, Park, Recreational and Historical Facilities Fund.	
GENERAL SECTIONS	

SEC. 4. Notwithstanding any other provisions of this act, no appropriations made herein may be expended for expansion, improvement, or additions to electronic data processing systems, equipment, facilities, personnel, training, or contracted services unless the Director of Management Services certifies that the criteria set forth in the supplemental conference committee report have been met.

SEC. 4.5. Subject to the provisions of this act, any appropriation for expenditure under this act during the 1969–70 fiscal year, may, with the approval of the Department of Finance, be encumbered prior to July 1, 1969, by incurring

obligations to be paid after June 30, 1969; and in addition, any appropriation for expenditure provided by the Budget Act of 1970 during the 1970–71 fiscal year, may, with the approval of the Department of Finance, be encumbered prior to July 1, 1970, by incurring obligations to be paid after June 30, 1970.

SEC. 5. Because it is necessary to insure the availability of adequate equipment for physical facilities constructed for the operation of custodial, mental health, educational, administrative, military, and other agencies of the state government; because uncertainties as to completion dates make precise advance planning of equipment purchases impossible; and since delivery of some kinds of equipment cannot be made for six months or longer from the date of ordering; state agencies are therefore authorized to incur obligations, to be met during the 1970–71 fiscal year, for the purchase of equipment related to capital outlay projects for which the Legislature has appropriated construction funds; provided, that no obligation shall be incurred under the provisions of this section without the approval of the Department of Finance and the State Public Works Board. Purchase orders issued and contracts entered into under the provisions of this section shall not exceed a total of two million dollars ($2,000,000) in estimated cost.

SEC. 6. Any project, except minor projects, included in any appropriation made herein for capital outlay shall be subject to the provisions of Section 15790 of the Government Code.

SEC. 7. Any acquisition of land or other real property included in any appropriation made herein for capital outlay except appropriations from the California Water Fund or the State Highway Fund or appropriations to the Board of Governors of the California Community Colleges for allocation to the community college districts shall be subject to the provisions of the Property Acquisition Law.

All property acquisitions, notwithstanding other exemptions of this section, shall be reported to the State Public Works Board.

SEC. 8. No money appropriated herein in any item for capital outlay may be expended by any state agency except amounts for acquisition of land or other real property, amounts needed for equipment, amounts appropriated specifically for preliminary surveys, studies and planning and minor projects until the State Public Works Board and the Department of Finance have approved preliminary plans for the project to be financed from such item of appropriation for capital outlay; provided further, no major project for which appropriation is made hereunder regarding which the Director of Finance or his authorized representative requests review of working plans shall be put out to bid until the working plans therefor have been approved by the Department of Finance; provided

further, that no money appropriated herein may be spent for working drawings for any project as to which there has been made substantial change or changes from the preliminary plans as approved by the State Public Works Board and the Department of Finance unless there has first been obtained the approval of the Department of Finance to make such change or changes; provided further, that no money appropriated herein may be spent for equipment until prior approval for purchase of such equipment shall have been given by the Department of Finance.

Nothing in this section shall be construed to limit or control the Department of Public Works in the expenditure of State Highway Fund money appropriated for capital outlay purposes.

The Department of Public Works shall report to the State Public Works Board the expenditures for capital outlay, except minor projects, from appropriations contained in this act.

SEC. 8.5. In making appropriations to state agencies which are eligible for federal assistance programs for capital outlay purposes, it is the intent and understanding of the Legislature that applications made by such agencies for federal funds under any such programs shall be for the maximum amount allowable under federal law.

SEC. 9. Notwithstanding any other provision of law, the portion of each sum of money heretofore appropriated or allocated, hereby appropriated or hereafter allocated to the Regents of the University of California for capital outlay which remains after the purpose for which each said sum was appropriated or allocated has been accomplished, and which have been or hereafter are withdrawn from the State Treasury by the Regents of the University of California pursuant to the provisions of Section 23201 of the Education Code, together with increments, by way of interest or otherwise, on any such appropriation or allocations, shall be used and expended by the Regents of the University of California in executing and furthering the building and improvement program of the University of California; provided, that no such sums shall be allocated by the Regents of the University of California to projects for the purpose of augmenting those projects without prior approval of the State Public Works Board of the requested augmentations. Such sums shall be available for expenditure in payment of any encumbrances heretofore or hereafter incurred without regard to fiscal years; provided, however, that any unencumbered balances existing as of the date on which each such appropriation or allocation otherwise would lapse, shall then revert.

SEC. 10. Notwithstanding any other provisions of law, the undisbursed balances, on the effective date of this act, of the appropriations provided in the following citations, are reappropriated for the purposes provided for in said appropria-

tions, and shall be available for expenditure until June 30, 1970:

Department of General Services:
Item 367(f), Budget Act of 1966
Department of the Youth Authority:
Item 402.5, Budget Act of 1966
University of California:
Item 349.1(a), Budget Act of 1965
Item 349.2(g), Budget Act of 1965
Item 403(h), Budget Act of 1966
Item 403(i), Budget Act of 1966
Item 403(s), Budget Act of 1966
Item 403(x), Budget Act of 1966
Item 403(jj), Budget Act of 1966
Item 403(vv), Budget Act of 1966
Item 403(ooo), Budget Act of 1966
Item 403(uuu), Budget Act of 1966
Item 404(j), Budget Act of 1966
Item 404(q), Budget Act of 1966
Item 326(d), Budget Act of 1968
Item 326(f), Budget Act of 1968
Item 326(h), Budget Act of 1968
Item 326(k), Budget Act of 1968
Item 326(m), Budget Act of 1968
State Colleges:
Trustees of the California State Colleges:
Item 407(a), Budget Act of 1966
Item 408.5(a), Budget Act of 1966
Item 330(b), Budget Act of 1968
State College, Bakersfield:
Item 408(bb), Budget Act of 1966
Chico State College:
Item 408(f), Budget Act of 1966
Item 408(g), Budget Act of 1966
Item 409(ax), Budget Act of 1966
State College, Dominguez Hills:
Item 354(e), Budget Act of 1964
Item 409(n), Budget Act of 1966
Item 409(o), Budget Act of 1966
State College, Fullerton:
Item 353(cc), Budget Act of 1964
Item 408(o), Budget Act of 1966
State College, Hayward:
Item 352(q), Budget Act of 1965
Item 409(g), Budget Act of 1966
Humboldt State College:
Item 381(b), Budget Act of 1963
Item 352(t), Budget Act of 1965
Item 408(z), Budget Act of 1966
State College, Long Beach:
Item 408(ff), Budget Act of 1966

State College, Los Angeles:
Item 353(x), Budget Act of 1964
Item 353(y), Budget Act of 1964
Item 352(aa), Budget Act of 1965
Item 409(j), Budget Act of 1966
Sacramento State College:
Item 408(pp), Budget Act of 1966
State College, San Bernardino:
Item 352(jj), Budget Act of 1965
Item 352(kk), Budget Act of 1965
Item 352(*ll*), Budget Act of 1965
Item 409(s), Budget Act of 1966
Item 331(s), Budget Act of 1968
San Diego State College:
Item 352(ss), Budget Act of 1965
Item 408(bbb), Budget Act of 1966
San Fernando Valley State College:
Item 409(v), Budget Act of 1966
San Francisco State College:
Item 352(wwx), Budget Act of 1965
Item 408(ggg), Budget Act of 1966
San Jose State College:
Item 352.1(b), Budget Act of 1965
Item 353(c), Budget Act of 1965
Item 408(nnn), Budget Act of 1966
Item 409(w), Budget Act of 1966
State Polytechnic College, San Luis Obispo:
Item 353(bbbb), Budget Act of 1964
Item 408(cccc), Budget Act of 1966
State Polytechnic College, Kellogg-Voorhis:
Item 408(gggg), Budget Act of 1966
Sonoma State College:
Item 408(uuu), Budget Act of 1966
Item 408(vvv), Budget Act of 1966
Item 409(z), Budget Act of 1966
Stanislaus State College:
Item 352(iiix), Budget Act of 1965
Community Colleges:
Item 410(j), Budget Act of 1966
Department of Finance:
Item 446.7, Budget Act of 1958
Department of Conservation:
Item 324(b), Budget Act of 1964
Item 336(b), Budget Act of 1965
Item 357(m), Budget Act of 1965
Item 386(a), Budget Act of 1966
Item 386(k), Budget Act of 1966
Item 386(*l*), Budget Act of 1966
Item 415(g), Budget Act of 1966
Department of Fish and Game:
Item 355, Budget Act of 1968

Department of Parks and Recreation:
Item 339(e), Budget Act of 1961
Item 345(b), Budget Act of 1962
Item 361(a), Budget Act of 1963
Item 406.8(a), Budget Act of 1963
Item 406.8(f), Budget Act of 1963
Item 406.8(r), Budget Act of 1963
Item 406.8(v), Budget Act of 1963
Chapter 1758, Statutes of 1963
Item 326(a), Budget Act of 1964
Item 338(a), Budget Act of 1965
Item 338(cc), Budget Act of 1965
Item 398(a), Budget Act of 1966
Item 398(g), Budget Act of 1966
Item 398(t), Budget Act of 1966, as amended by Section 11.6, Budget Act of 1967
Item 398(v), Budget Act of 1966
Item 398(y), Budget Act of 1966
Item 398(ee), Budget Act of 1966
Item 398(hh), Budget Act of 1966
Item 399(e), Budget Act of 1966
Item 359, Budget Act of 1968
Department of Water Resources:
Item 345, Budget Act of 1968
Department of Motor Vehicles:
Item 333(j), Budget Act of 1965
Item 333(k), Budget Act of 1965
Item 389(f), Budget Act of 1966
Item 389(i), Budget Act of 1966
Item 349, Budget Act of 1968

SEC. 10.1. As of June 30, 1969, the unexpended balance of the appropriation made by Item 263, Budget Act of 1968, shall revert to the unappropriated balance of the General Fund.

As of July 1, 1969, the amount reverted as of June 30, 1969, for Item 263, Budget Act of 1968, is reappropriated and shall be available until June 30, 1970, and may be expended on written authorization of the Department of Finance issued on or before said date, for emergencies, within the meaning of said item, occurring during the 1968-69 fiscal year.

SEC. 10.3. On the effective date of this act, the unexpended balance of the appropriation made by Item 367(g), Budget Act of 1966, is hereby reappropriated until June 30, 1970; and in addition, shall be available for expenditure for lighting of the dome.

SEC. 10.4. Notwithstanding any other provisions of law, the unexpended balance of the appropriation made by Item 358(g), Budget Act of 1968, is reappropriated and shall be available for expenditure for development of overnight camping facilities at Oroville Reservoir State Recreation Area—Loafer Creek Area.

SEC. 10.5. On the effective date of this act, the unexpended balance of the appropriation made by Item 410(p), Budget

Act of 1966, is hereby reappropriated until June 30, 1970; and in addition, shall be available for expenditure for land acquisition.

SEC. 10.6. On the effective date of this act, $100,000 of the unexpended balance of the appropriation made by Item 398(o), Budget Act of 1966, is hereby reappropriated for the same purpose, and shall be available for expenditure until June 30, 1970.

SEC. 10.7. On the effective date of this act, $35,000 of the appropriation to the Trustees of the California State Colleges and the California State Colleges made by Item 99(b), Budget Act of 1968, and allocated to State College, Bakersfield, is reappropriated, for the same purpose and shall be available until June 30, 1970.

SEC. 10.8. On the effective date of this act, the unexpended balance of the appropriation made by Item 330(a), Budget Act of 1968, is hereby appropriated until June 30, 1970; and in addition, shall be available for expenditure for project planning for the 1970–71 fiscal year.

SEC. 10.9. On the effective date of this act, $30,000 of the unexpended balance of the appropriation made by Item 224, Budget Act of 1968 is hereby reappropriated until June 30, 1970, in augmentation of the appropriation for support of the State Water Resources Control Board made by Item 264, Budget Act of 1969.

SEC. 11. As of June 30, 1969, the unencumbered balance of the appropriations provided in the following citations shall revert to the unappropriated balance of the General Fund:

Department of Agriculture
Chapter 1467, Statutes of 1967
Chapter 1695, Statutes of 1967
Department of Education
Chapter 1536, Statutes of 1967
Chapter 1573, Statutes of 1967
Chapter 1355, Statutes of 1968
Chapter 1398, Statutes of 1968
Chapter 1456, Statutes of 1968
Community Colleges:
Chapter 1549, Statutes of 1967
Department of Parks and Recreation:
Item 360, Budget Act of 1968

SEC. 11.2. As of June 30, 1969, the unencumbered balance of the appropriations provided in the following citations shall revert to the unappropriated balance of the State Construction Program Fund:

Community Colleges:
Item 369(rrr), Budget Act of 1968

SEC. 11.4. As of June 30, 1970, the unencumbered balances of the appropriations, provided by Section 13183 of the Education Code and Chapter 1674, Statutes of 1967, (amended by Chapter 1283, Statutes of 1968) shall revert to the unappropriated balance of the General Fund.

SEC. 16. The University of California having made applications for federal grant funds which would reimburse in whole or in part any appropriation made by Item 377, Budget Act of 1969, any state-appropriated funds thereby released, equal in amount to federal grants made to any project in Item 377, Budget Act of 1969, notwithstanding any other provisions of law, may be used as a source of funding for Item 382, Budget Act of 1969 and provided that any state funds released by federal grants in excess of those needed for Item 382, Budget Act of 1969, shall revert to the unappropriated balance of the Capital Outlay Fund for Public Higher Education.

For the purposes of complying with this section, the State Controller shall consider a written federal grant commitment as adequate for the release of state funds.

SEC. 17. The Trustees of the California State Colleges having made applications for federal grant funds which would reimburse in whole or in part any appropriation made by Item 383, Budget Act of 1969, any state-appropriated funds thereby released, equal in amount to federal grants made to any project in Item 383, Budget Act of 1969, notwithstanding any other provisions of law, may be used as a source of funding for Items 387 and 388, Budget Act of 1969; and provided that, any state funds released by federal grants in excess of those needed for Items 387 and 388, Budget Act of 1969, shall revert to the unappropriated balance of the Capital Outlay Fund for Public Higher Education.

For the purposes of complying with this section, the State Controller shall consider a written federal grant commitment as adequate for the release of state funds.

SEC. 18. The Director of Finance may direct the transfer of such unexpended balances of appropriations and of other funds available for use in connection with any function or agency affected by a reorganization plan submitted to the Legislature pursuant to Article 7 (commencing with Section 12070) of Chapter 1, Part 2, Division 3, Title 2 of the Government Code when the plan becomes effective pursuant to Section 12075 of the Government Code, as he deems necessary by reason of the reorganization, for use in connection with the functions affected by the reorganization, or for the use of the agency which has such functions after the reorganization plan is effective; provided that, unexpended balances so transferred shall be used only for the purpose for which the appropriation was originally made.

SEC. 18.1. The Director of Finance may direct the transfer of such unexpended balances of appropriations for any function transferred to a new Department of Human Resources Development pursuant to Chapter 1460, Statutes of 1968 on the effective date of the transfer of functions pursuant to Section 15, Chapter 1460, Statutes of 1968, as he deems necessary by reason of the establishment of the new department, for use in connection with the functions transferred to the new department, provided that the unexpended balances

so transferred shall be used only for the purpose for which the appropriation was originally made.

SEC. 18.7. The unexpended balance in any appropriation heretofore or hereafter made payable from the Capital Outlay Fund for Public Higher Education which the Director of Finance, with the approval of the Public Works Board, determines not to be required for expenditure pursuant to the appropriation, may be transferred on order of the Director of Finance to the unappropriated surplus of the Capital Outlay Fund for Public Higher Education.

SEC. 18.9. The sum of $90,000,000 reserved by Section 153 of Chapter 963, Statutes of 1967, is appropriated together with other funds available therefor, for the purposes of capital outlay under items contained within Section 2.2 of this act, including, but not limited to, Item 376 of this act.

SEC. 18.10. The unappropriated balance of the $90,000,000 in revenues made available by Section 153, Chapter 963, Statutes of 1967, for capital outlay purposes, as of June 30, 1970, is appropriated for all General Fund purposes and shall be transferred to the General Fund on June 30, 1970.

SEC. 19. On or before September 30, 1969, the State Controller shall transfer to the General Fund any amount of surplus and working capital advances in the Service Revolving Fund for the Office of State Printing which totals in excess of $6,472,197 as of June 30, 1969.

No machinery or equipment shall be purchased by or for the Office of State Printing except as provided for in this act and for emergency replacements which shall be reported to the Joint Legislative Budget Committee quarterly.

No augmentation shall be made to the capital of the Service Revolving Fund for the benefit of the Office of State Printing during the 1969–70 fiscal year except as specifically provided for in this act.

Any proposed capital addition to the Service Revolving Fund for the benefit of the Office of State Printing for the 1970–71 fiscal year shall be included in the proposed budget for that fiscal year as an appropriation out of the General Fund.

SEC. 19.1. The unencumbered balance of the Department of Employment Contingent Fund, which at any time during the 1969–70 fiscal year exceeds $1,000,000, is hereby appropriated for transfer to the General Fund; such transfer to be made from time to time by the State Controller.

SEC. 19.6. (a) Since the State Scholarship Commission must announce in the spring of 1970, those individuals to whom state scholarship awards and graduate fellowship awards will be granted for the following fall semester of 1970 and, since the Budget Act of 1970 may not be enacted in adequate time, the State Scholarship Commission is authorized to incur scholarship obligations and graduate fellowship obligations for the maximum number of awards authorized by Sections 31204 and 31240 of the Education Code in an amount not to exceed

$15,825,000 during the 1969–70 fiscal year for awards to be in effect during the 1970–71 fiscal year.

(b) Since the State Scholarship and Loan Commission must announce in the spring of 1970 those individuals to whom College Opportunity Grants will be awarded for the following fall semester of 1970, and since the Budget Act of 1970 may not be enacted in adequate time, the Scholarship and Loan Commission is authorized to incur College Opportunity Grant obligations for renewal of awards to those eligible and qualified individuals receiving an award in 1969–70, as authorized by Section 31263 of the Education Code, in an amount not to exceed one million dollars ($1,000,000) during the 1969–70 fiscal year for awards to be in effect during the 1970–71 fiscal year.

The intent of this authorization is to prevent the occurrence of there being insufficient funds available to support state scholarships and graduate fellowships, or College Opportunity Grants, the recipients of which have already been notified of their award. It is necessary that the State Scholarship Commission announce awards in the spring of each year, often prior to the time the Budget Bill containing the appropriation for this purpose is enacted, in order that students receiving the scholarship awards may have sufficient time to plan for entering or returning to school the following fall.

SEC. 20. No money appropriated by this act shall be used to pay the salary of any authorized state position, which position was vacant continuously during the period between October 1, 1968, and July 1, 1969. The State Controller, no later than August 1, 1969, shall notify in writing the Department of Finance of any authorized state position which was vacant continuously during such period. All such positions, except those specifically exempted in writing by the Department of Finance, are abolished effective September 1, 1969.

The State Controller, not later than 30 days prior to the convening of the 1970 Regular Session of the Legislature, shall furnish the Joint Legislative Budget Committee a report on all positions as of July 1, 1969, which were unfilled continuously during the period between October 1, 1968, and July 1, 1969, identifying therein all positions authorized for continuation by the Department of Finance.

SEC. 20.1. Notwithstanding any other provision of law, expenditures under Item 12 of this act, or any appropriation in any augmentation of such item, other than salaries and wages, shall be as submitted in the Governor's Budget or as otherwise authorized by the Joint Committee on Legislative Organization and shall be exempt from the provisions of Sections 13320 and 13325 of and Chapter 3 (commencing with Section 14250) of Part 5 of, and Chapter 6 (commencing with Section 14780) of Part 5.5 of, Division 3 of Title 2 of the Government Code and Sections 6, 8, and 25 of this act.

SEC. 21. Since it is imperative for the university and the state colleges to recruit adequate and competent faculty nec-

essary to maintain the current academic standards and to meet the immediately foreseeable needs occasioned by the rapid growth of enrollment during the years just ahead, and since, by the nature of their duties, faculty members must as a rule be employed on an academic year basis therefore, the University of California and the California State Colleges are authorized to incur salary obligations in an amount not to exceed $1,500,000 for the university and a total of $1,500,000 for the state colleges by appointment of academic staff members during the 1969–70 fiscal year for services beginning in the 1970–71 academic year.

The intent of this authorization is to assist California's institutions of higher education in their continuing effort to recruit the best qualified faculty members possible by authorizing them to make firm employment offers in advance of specific legislative position authorization.

SEC. 21.2. Since newly appointed faculty members of the California State Colleges who are recruited from other states ordinarily move to the state college to which they were appointed during the fiscal year following the acceptance of such appointment, the California State Colleges are authorized to incur obligations to pay the travel and moving expenses of such newly appointed faculty members in an aggregate amount not to exceed $100,000, by appointments and authorizations during the 1969–70 and 1970–71 fiscal years, to pay such travel and moving expenses during the 1970–71 fiscal year.

SEC. 21.3. Since it is imperative for the Department of the California Highway Patrol to purchase special service automobiles in order to adequately patrol the highways of this state and since such automobiles can be purchased more effectively and economically on an annual basis with relation to the model year, which so-called year bridges two fiscal years, the Department of the California Highway Patrol is authorized to incur automotive equipment purchase obligations in an amount not to exceed $1,500,000 during the 1969–70 fiscal year for delivery beginning in the 1970–71 fiscal year, and the sum of $1,500,000 is hereby appropriated from the Motor Vehicle Fund to the Department of the California Highway Patrol. This appropriation shall be available until July 1, 1970.

SEC. 22. No purchase order for acquisition or replacement of motor vehicles shall be issued against any appropriation made herein until the Department of Finance has investigated and established the necessity therefor.

All passenger-type motor vehicles purchased from any appropriation made by this act for the use of state employees and officers, except constitutional officers, shall be of the light class, as defined by the State Board of Control, unless excepted by the Director of General Services on the basis of unusual requirements, such as use by the California Highway Patrol, which would justify the need for an automobile of a heavier class.

SEC. 23. All passenger-type motor vehicles purchased either from any appropriation made by this act or from any other appropriation available therefor for the use of the Department of Public Works, except for use of officers excepted in Section 22 of this act, shall be of the light class, as defined by the State Board of Control, unless excepted by the Director of General Services on the basis of unusual requirements which would justify the need for an automobile of a heavier class.

SEC. 24. None of the moneys appropriated by this act or for an expenditure which is supplemented from money appropriated by this act shall be used to purchase furnishings for any house or apartment of three or more rooms other than a dormitory which is rented to a state employee except for a superintendent of an institution, warden of a prison, or physicians. This provision shall not apply to the purchase of refrigerators, heaters, air-conditioning equipment, stoves, linoleum, or equipment normally furnished in construction of the house as may be determined by the State Board of Control. Any such funds that are appropriated by this act for this purpose shall be held intact and be reverted to the fund from which they were appropriated. It is the intent of the Legislature that no money shall be appropriated henceforth for the purpose of house furnishings. Such furnishings are not to be provided by the state nor shall any money be paid from this appropriation for their replacement, repair or otherwise except in connection with the disposal of the same.

SEC. 25. No moneys appropriated by this act shall be used, either directly or by supplementing any other appropriation, to purchase rugs or carpets for any state office except for offices used by elective officers, the President of the University of California, a Chancellor of the University of California, the Chancellor of the California State Colleges or a President of a State College, and other department heads. The Director of Finance shall furnish a detailed report annually to the Joint Legislative Budget Committee of all rugs or carpets purchased for state offices under this section.

The Director of Finance may authorize the use of carpeting in other facilities or areas under the control of agencies financed by this act 30 days after notification in writing of the proposal with justification therefor to the Joint Legislative Budget Committee.

SEC. 26. Whenever herein an appropriation is made for support it shall include salaries and all other proper expenses, including repairs and equipment, incurred in connection with the institution, department, board, bureau, commission, officer, employee, or other agency, for which such appropriation is made.

Whenever herein an appropriation is made for capital outlay, it shall include acquisition of land or other real property, major construction, improvements, equipment, designs, working plans, specifications, repairs and equipment necessary in connection with a construction or improvement project.

Whenever herein any item of appropriation contains provision for acquisition of land or other real property, it shall include all necessary expenses in connection with the acquisition of such property.

Whenever herein an appropriation is made in accordance with a schedule set forth after such appropriation, the expenditures from such item for each category or project included in the schedule shall be limited to the amount specified for such category or project, except as otherwise provided in this act. Each such schedule is a restriction or limitation upon the expenditure of the respective appropriation made by this act, does not itself appropriate any money, and is not itself an item of appropriation.

As used in this act in reference to such schedules "category" or "project" means a class of expenditures such as, but not limited to:

(a) "Personal services" which shall include all expenditures for payment of officers and employees of the state; including salaries and wages, workmen's compensation, insurance premiums for workmen's compensation coverage, the state's contributions to the Public Employees' Retirement Fund, the Teachers' Retirement Fund, the Old Age and Survivors' Insurance Revolving Fund, the State Employees' Contingency Reserve Fund, and the state's cost of a basic health benefits plan; but do not include compensation of independent contractors rendering personal services to the state under contract;

(b) "Operating expenses and equipment" which shall include all expenditures for purchase of materials, supplies, equipment, services (other than services of state officers and employees), and all other proper expenses;

(c) "Construct" or "construction" when used in connection with a capital outlay project shall include all such related things as fixtures, installed equipment, and auxiliary facilities;

(d) "Working drawings" are defined as a complete set of plans and specifications showing and describing all phases of a project, architectural, structural, mechanical, electrical, civil engineering, and landscaping systems to the degree necessary for the purposes of accurate bidding by contractors and for the use of artisans in constructing the project. All necessary professional fees and administrative service costs are included in the preparation of such drawings.

(e) "Minor projects" include construction, improvements, repairs and equipment projects not specifically set forth in the schedule.

For the purpose of further interpreting the meaning of the words, terms and phrases used in such schedules, reference is hereby made to those documents entitled, "State of California Program Support and Local Assistance Budget for the Fiscal Year July 1, 1969 to June 30, 1970, Traditional Detail for the Support and Local Assistance Budget for the Fiscal Year July 1, 1969 to June 30, 1970," and "State of California Capital

Outlay Budget for the Fiscal Year July 1, 1969, to June 30, 1970," submitted by the Governor to the Legislature at the 1969 Regular Session, the uniform accounting system prescribed by the Department of General Services under the provisions of Section 13290 of the Government Code, and the appropriate portions thereof. The State Board of Control shall establish such interpretations as are necessary to carry out the provisions of this section and shall furnish the same to the State Controller and to every state agency to whom appropriations are made under this act.

SEC. 26.5. Whenever herein an appropriation is made for support or other expenses for an institution, department, board, bureau, commission, officer, employee, or other agency, there shall be charged to such appropriation from which salaries and wages are paid: workmen's compensation, the state's contribution to the Public Employees' Retirement Fund as provided by Sections 20751 and 20752 of the Government Code, the state's contribution to the Teachers' Permanent Fund and the Retirement Annuity Fund as provided by Sections 14209 and 14210 of the Education Code, the state's contribution to the Old Age and Survivors' Insurance Revolving Fund as provided by Sections 20782 and 20783 of the Government Code, the state's contribution to the State Employees' Contingency Reserve Fund and the state's contribution for the cost of a basic health benefits plan as provided by Sections 22828 and 22829 of the Government Code.

As of the effective date of this act, the state's contributions as provided by Sections 22828 and 22829 of the Government Code for any month shall be charged to the same appropriations used for payment of salaries and wages from which the employee premium contributions for such month are deducted.

The appropriations made by Sections 20751, 20752, 20782, 20783, 22828, and 22829 of the Government Code, by Sections 14209 and 14210 of the Education Code, shall continue to be available for expenditure, and shall be charged for any expenditure which is not chargeable to an appropriation for support or other expenses as provided in this section.

The State Controller may transfer to the State Payroll Revolving Fund the contributions required by Sections 20751, 20752, 20782, 20783, 22828, and 22829 of the Government Code, and upon certification by the Board of Administration of the Public Employees' Retirement System in accordance with Sections 20754 and 20784 of the Government Code, may transfer from the State Payroll Revolving Fund to the Public Employees' Retirement Fund and the Old Age and Survivors' Insurance Revolving Fund the amounts of contributions so certified.

SEC. 27. The Department of Finance may, pursuant to a request by the officer, department, division, bureau, board, commission, or other agency to whom an appropriation is made herein, authorize the augmentation of the amount available for expenditure for a category or project designated in

any schedule set forth for such appropriation by transfer from any of the other designated categories or projects within the same schedule. The Department of Finance shall furnish the Joint Legislative Budget Committee a report on all authorizations given pursuant to this section during the preceding quarter.

SEC. 28. The Director of Finance may authorize the augmentation of the amount available for expenditure for any category in the schedule set forth for any appropriation in this act or any additional category in the amount of any funds which he estimates will be received by an officer, department, division, bureau, or other agency during the 1969–70 fiscal year from any other state agency, from any agency of local government or the federal government, from any appropriation made by the Legislature or from any other source which he determines has not been taken into consideration in said schedule, or is in excess of the amount so taken into consideration, except that the director may authorize expenditures for a new program not identified in the budget as such or for purposes which in his judgment constitute an increase in the level of services above that authorized by the Budget Act or other existing law not sooner than 30 days after notification in writing of the necessity therefor to the Joint Legislative Budget Committee, or not sooner than such lesser time as the chairman of said committee, or his designee, may in each instance determine.

The Director of Finance may also reduce any category whenever he determines that funds to be received will be less than the amount taken into consideration in the schedule.

SEC. 28.5. Approvals by the Department of Finance to the creation of deficiencies pursuant to Section 11006 of the Government Code and approvals to expend at rates which, in the opinion of the Director of Finance, will require a deficiency appropriation shall be made in writing and filed with the Joint Legislative Budget Committee within 10 days after approval stating the reasons for and amount of such authorization.

SEC. 29. Premiums for official bonds may be paid out of appropriations contained in this act, notwithstanding the period covered by such bonds.

SEC. 30. Whenever an expenditure is authorized from the Emergency Fund, from price increase funds, from the salary increase funds, or from a special fund pursuant to Section 11006 of the Government Code, in addition to an appropriation made by this act, such authorized expenditures may, for accounting purposes, be deemed to be an augmentation and increase of the appropriation made by this act.

SEC. 31. The appropriations under this act, unless otherwise provided, shall be subject to the provisions of Section 13320 of the Government Code requiring expenditures to be made in accordance with the allotments and other provisions of fiscal year budgets approved by the Department of Finance.

The fiscal year budget shall authorize in such manner as the Department of Finance shall prescribe all established positions whose continuance for the year is approved and all new positions. No new positions shall be established unless authorized by the Department of Finance on the basis of work program and organization.

Each fiscal year budget shall provide for a salary savings reserve to which shall be transferred on a document initiated by the agency and submitted to the Department of Finance the unencumbered balance remaining in each allotment for salaries and wages at the close of each quarter or other period of time covered by the allotment. The unencumbered balance remaining in each budget allotment for salaries and wages shall be computed by deducting from the amount of the allotment the expenditures and accrued obligations for salaries and wages chargeable to such allotment for the period covered thereby. The amount in the salary savings reserve shall not be available for expenditure except upon transfer to allotments for salaries and wages approved by the Department of Finance. Such transfer shall be approved only after it has been demonstrated to the satisfaction of the Department of Finance that the allotment to be augmented is insufficient to meet necessary expenditures for salaries and wages.

No money in any salary savings reserve may be expended to pay increases in salary ranges established after July 1, 1968, unless the Department of Finance certifies to the State Personnel Board, or other salary-fixing authority, prior to the adoption of such increased salary range that funds will be made available to pay the increased salaries resulting therefrom. Provided, that the provisions of this paragraph shall not apply to salaries fixed by the State Personnel Board based on prevailing rates pursuant to Government Code Section 18853.

A certification on a payroll claim that expenditures therein are in accordance with current budgetary provisions as approved by the Department of Finance shall be sufficient evidence to the State Controller that such expenditures comply with the provisions of this section.

Each agency, department, board, commission, and institution, for whose benefit and support appropriations are made in this act, shall certify to the Director of Finance that its expenditures have been made for the purposes stated in the budget, as implemented by the Budget Act, except as the purposes stated have been revised, in accordance with law, by the Department of Finance subsequent to the enactment of the Budget Act.

SEC. 31.5. All appropriations under this act for the support of the state colleges and the Trustees of the California State Colleges shall be subject to the provisions of Section 13320 of the Government Code and Section 31 of this act, with the following exceptions:

(a) The Trustees of the California State Colleges may approve any transfer of funds within the major budgetary func-

tions of general administration, instruction, library, student services, plant operation, student pay—work-study, year-round operation, educational television, reimbursed activities, chancellor's office, international program and reimbursements, as provided in fiscal year budgets of the state colleges and the Trustees of the California State Colleges approved by the Department of Finance. The Trustees of the California State Colleges may approve any transfer of funds between the chancellor's office and any state college, or between any state college and any other state college. The Trustees of the California State Colleges may authorize the augmentation of the amount available for a category designated in any schedule set forth for such appropriation by transfer from any of the other designated categories within the same schedule within the major budgetary functions and shall furnish the Joint Legislative Budget Committee a report of such authorizations given during the preceding quarter;

(b) The trustees may approve the substitution of one item of equipment for another within such aforementioned budgetary functions and the use of savings in equipment allotments;

(c) The trustees may approve travel, both within and outside the state, and the payment of allowances and expenses related to travel, moving and the relocation of employees in accordance with the allowances established by the State Board of Control and within funds appropriated by this act for this purpose;

(d) The trustees may, within funds appropriated by this act, establish new positions both full-time and blanket on a provisional basis, make changes in grade or class of an existing position on the basis of work program and organization, provided such new positions and changes in grade or class shall be shown as administrative adjustments in the subsequent budgetary submissions and shall be subject to review during the legislative budget process; provided further, that changes in grade or class to positions with a base step of seven hundred dollars ($700) per month, or less, are not required to be shown as administrative adjustments in the budgetary submission.

Nothing in this section shall be construed as exempting the state colleges and the trustees of the state colleges from the provisions of Section 31 pertaining to salary savings reserve.

SEC. 32. The officers of the various departments, boards, commissions and institutions, for whose benefit and support appropriations are made in this act, are expressly forbidden to make any expenditures in excess of such appropriations, except the consent of the Department of Finance be first obtained, and a certificate, in writing, duly signed by the director of said department, of the unavoidable necessity of such expenditure; and any indebtedness attempted to be created against the state in violation of the provisions of this section shall be absolutely null and void; and shall not be

allowed by the State Controller nor paid out of any state appropriation. Any member of any such department, board, commission or institution, who shall vote for any expenditure, or create any indebtedness against the state in excess of the respective appropriations made by this act, except by the consent of the Department of Finance and the certificate in this section provided to be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any court of competent jurisdiction by the person or persons, firm or corporation to whom such indebtedness is owing.

The Department of Finance shall submit copies of certificates approved by it under this section to the Joint Legislative Budget Committee quarterly, and shall indicate in the case of each certificate the code section or section of this act under which the department gave its consent to exceed the particular appropriation.

SEC. 32.5. Notwithstanding the provisions of any appropriation of state funds made in the Welfare and Institutions Code for the public assistance programs, expenditures of state funds for those programs for the fiscal year ending June 30, 1970, shall not exceed, in the aggregate, the sum of five hundred twenty four million one hundred fifteen thousand one hundred dollars ($524,115,100).

The Department of Social Welfare, subject to the limit placed on aggregate expenditures by this section, may transfer funds between categorical aid programs.

The Department of Social Welfare shall administer the public assistance programs so that the counties will bear no more than the amount of welfare costs that they would be obligated to bear under the applicable provisions of the Welfare and Institutions Code, without the expenditure limitations set forth herein, and so that the amount authorized to be expended under this section shall fully cover the state's share of aid payments and for services under such programs for the 1969–70 fiscal year.

The limitations on amounts imposed by this section shall apply to any amounts which are determined by the Director of Finance to be necessary to meet increases in cost arising out of approvals made by the Department of Finance pursuant to the provisions contained in Item 167.

Provided further, that the Director of Finance is authorized to approve expenditures in those amounts made necessary by changes in either caseload or payments, or both, unrelated to any change in rule or regulation adopted during the current fiscal year which are in excess of Budget Bill estimates for 1969–70. Not later than the fifth legislative day following the submission of the Governor's Budget in the 1970 Regular Session of the Legislature, the Director of Finance shall report to the Legislature the amount, if any, by which the then current estimate of expenditures for public assistance programs in the fiscal year ending June 30, 1970, will exceed the limitation on aggregate expenditure in this section. If such report is not re-

quired following submission of the Governor's Budget but the Director of Finance determines during the third quarter that the estimate of expenditures will exceed the authorized expenditure in this section, he shall so report to the Legislature prior to the end of the third quarter. At such time as a report is made, the amount of the limitation shall be increased by the amount of such excess unless and until otherwise provided by law.

SEC. 32.8. As of June 30, 1969, the unencumbered balance of the revenues provided by Chapter 1326, Statutes of 1965, and appropriated by Section 32.7 of the Budget Act of 1967, shall be transferred to the unappropriated balance of the General Fund.

SEC. 32.9. During the 1969–70 fiscal year only, the fees collected under the provisions of Section 13169(b) of the Water Code, as added by Assembly Bill 413 at the 1969 Regular Session, are hereby appropriated in augmentation of the appropriation for support of the State Water Resources Control Board made by Item 264, Budget Act of 1969.

SEC. 33. If any item of appropriation in this act is vetoed, eliminated or reduced by the Governor under Section 10 of Article IV of the Constitution while approving portions of this act, such veto, elimination or reduction shall not affect the other portions of this act and these other portions of this act, so approved, shall have the same effect in law as if any vetoed or eliminated items of appropriation had not been present in this act and as if any reduced item of appropriation had not been reduced.

SEC. 34. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

SEC. 35. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of Section 8 of Article IV of the Constitution of the State of California, take effect immediately.

SEC. 36. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There exists an extreme shortage of physical facilities for the operation of the custodial, mental treatment, educational, administrative, military and other agencies of the state government, the present facilities being entirely inadequate due to great increases in population and added governmental responsibilities. The capital outlay appropriations in this budget are all in continuation of an existing program to remedy the

aforesaid shortage of facilities and to promote and sustain the economy of the state. If they are not available for expenditure on July 1, 1969, the existing program will be delayed. The expeditious correction of such condition and the efficient operation of the state's business requires the immediate availability of the new capital outlay appropriation and the uninterrupted availability of reappropriated capital outlay items contained in this measure. It is therefore necessary that this act go into immediate effect.

SEC. 37. Funds from each appropriation made in this act may be expended to pay such salary adjustments as are authorized by salary fixing authorities to provide an increase in the compensation for officers and employees during the month of July 1969 to provide compensation equivalent to that which they would have otherwise received had this act been adopted prior to July 1, 1969.

SEC. 38. Funds from each appropriation made in this act may be expended to pay any obligation incurred between the commencement of the 1969–70 fiscal year and the effective date of this act, which would otherwise have been authorized hereunder had this act been adopted prior to July 1, 1969, subject to the same limitations, conditions, and requirements.

CHAPTER 356

An act to repeal Section 349.4 of, and to add Section 349.4 to, the Code of Civil Procedure, and to repeal Section 55187 of, and to add Section 55187 to, the Water Code, relating to validation, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 349.4 of the Code of Civil Procedure is repealed.

SEC. 2. Section 349.4 is added to the Code of Civil Procedure, to read:

349.4. All acts and proceedings heretofore or hereafter taken under color of law for the formation, organization or incorporation of, or for any change in the territorial boundaries of, any city, county, city and county, special district, public corporation or other public entity, or improvement district, annexed area or zone within any of the foregoing, and for the authorization, issuance, sale, or exchange of bonds of the entity or the territory thereof may be confirmed, validated, and declared legally effective in the manner provided in this section.

The legislative body of the entity may instruct its clerk or secretary to mail a notice to all owners of property within the entity, within the improvement district or zone, or within the annexed area, as the case may be, as their names and addresses appear on the last equalized county assessment roll, or as known to the clerk or secretary. Such notice shall include the name of the entity, the date the entity or the zone or improvement district therein was ordered formed or its territory changed by annexation or otherwise, as the case may be, the amount of bonds authorized, if any, and a statement that commencing with the date of mailing of said notice there shall be a 60-calendar-day period during which period any property owner may file an action contesting the validity of the formation of the entity, or of such improvement district or zone, or of such change of boundaries by annexation or otherwise, as the case may be, or the validity of the bond authorization, if any. The clerk or secretary shall make and file with the legislative body of the entity a certificate of mailing of the notices. The legislative body of the entity may order the clerk or secretary to include in such notice such other additional information that it deems pertinent.

If no action is filed during such 60-day period, the formation of the entity or of such improvement district or zone, or the change of boundaries by annexation or otherwise, as the case may be, and the bond authorization, if any, are valid and uncontestable.

SEC. 3. Section 55187 of the Water Code is repealed.

SEC. 4. Section 55187 is added to the Water Code, to read:

55187. All acts and proceedings heretofore or hereafter taken by or on behalf of a county waterworks district for the formation of a district or for the annexation to an existing district and for the authorization, issuance, sale, or exchange of bonds of the district or for the annexed territory may be confirmed, validated, and declared legally effective in the manner provided in this section.

The board may instruct the clerk of the board to mail a notice to all owners of property within the county waterworks district, as their names and addresses appear on the last equalized county assessment roll, or as known to the clerk. Such notice shall include the name of the district, the date the district was ordered formed or the date of the annexation to an existing district, the amount of bonds authorized, and a statement that, commencing with the date of mailing of said notice there shall be a 60-calendar-day period during which period any property owner may file an action contesting the validity of the district's formation, the annexation to an existing district or the bond authorization. The clerk shall make and file, with the board a certificate of mailing of the notices. The board may order the clerk to include such other additional information that it deems pertinent.

If no action is filed during the 60-day period, the district's formation or the annexation to an existing district and the bond authorization are valid and uncontestable.

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

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

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

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

CHAPTER 357

An act to amend Section 1241.7 of the Code of Civil Procedure, relating to eminent domain.

[Approved by Governor July 3, 1969 Filed with Secretary of State July 3, 1969]

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

SECTION 1. Section 1241.7 of the Code of Civil Procedure is amended 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 or recreation area, or wildlife or waterfowl management area as presently established by the Department of Fish and Game pursuant to Section 1525 of the Fish and Game Code, or historic site included in the National Register of Historic Places or state registered landmarks 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 or recreation area, or wildlife or waterfowl management area as presently established by the Department of Fish and Game pursuant to Section 1525 of the Fish and Game Code, or historic site included in the National Register of Historic Places or state registered landmarks is sought to be acquired for state highway purposes, and such park or recreational area, or wildlife or waterfowl management area, or historic site was dedicated to or established for park or recreational purposes, or as a wildlife or waterfowl management area, or as a historic site included in the National Register of Historic Places or state registered landmarks, 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 or recreational area, or wildlife or waterfowl management area, or historic site 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 or recreational area, or wildlife or waterfowl management area, or historic site by the California Highway Commission that a proposed route or an adopted route includes park land or recreational area, or a wildlife or waterfowl management area, or a historic site 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.

CHAPTER 358

An act to amend Sections 6.1, 7, 8.1, 12, and 15 of, and to add Sections 14.3 and 14.4 to, the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957), relating to the Placer County Water Agency, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 6.1 of the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957) is amended to read:

Sec. 6.1. All money collected in pursuance of a contract with the United States shall be paid into the agency treasury to the credit of the agency and shall be held in a fund to be known as the "United States Contract Fund" to be used for payments due to the United States under the contract.

SEC. 1.5. Section 7 of the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957) is amended to read:

Sec. 7. (a) The board of supervisors of the county shall be ex officio the board of directors of the agency. The board of directors may adopt reasonable rules and regulations to carry out its powers and duties. Each member of the board of supervisors shall serve as a member of said board of directors without additional compensation, except such member shall be allowed his actual, necessary and reasonable traveling expenses. The board of directors shall elect a chairman, who shall preside at all meetings of the board and in case of his absence or inability to act, the members present must, by an order entered in their records, select one of their number to act as temporary chairman. Any member of the board may administer oaths, when necessary in the performance of his official duties. A majority of the members of the board shall constitute a quorum for the transaction of business, and no act of the board shall be valid or binding unless a majority of all members concur therein.

(b) The board of directors may create by resolution an advisory council to assist and advise the board of directors. The council will consist of five members appointed by and serving at the pleasure of the board of directors. It shall meet not less than twice each month. Each council member shall receive the sum of twenty-five dollars ($25) for each meeting of the council attended by him, not exceeding 24 meetings per year, plus his actual, necessary, and reasonable traveling expenses.

SEC. 2. Section 8.1 of the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957) is amended to read:

Sec. 8.1. The board may appoint and employ a secretary and such other officers, agents, superintendents, engineers, at-

torneys and employees for the board or agency as in its judgment may be deemed necessary, including, if it deems it advisable, a clerk, superintendent of work, treasurer, and auditor, and define their powers and duties, fix their compensation and fix the amount of bond required of each such employee or officer and pay the premium of each such bond. Such officers, agents and employees so appointed shall hold their respective offices and positions during the pleasure of the board. The board shall have the power to combine any two or more offices in its discretion, except that the offices of treasurer and auditor may not be combined.

SEC. 3. Section 12 of the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957) is amended to read:

Sec. 12. All contracts for any improvement or unit of work, when the cost according to the estimate of the engineer will exceed five thousand dollars ($5,000), shall be let to the lowest responsible bidder or bidders as provided in this section. The board shall first determine whether the contract shall be let as a single unit for the whole of the work, or divided into severable convenient parts. The board shall advertise for bids by three (3) insertions in a daily newspaper of general circulation or by two (2) insertions in a weekly newspaper of general circulation printed and published in the agency, inviting sealed proposals for the construction or performance of the improvement or work. The call for bids shall state whether the work shall be performed in one unit or divided into parts. The work may be let under a single contract or several contracts, as stated in such call. The board shall require the successful bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material. The bonds shall comply with Chapter 3, commencing at Section 4200, of Division 5 of Title 1 of the Government Code. The board may reject any and all bids. In the event all proposals are rejected or no proposals are received, or the estimated cost of the work does not exceed five thousand dollars ($5,000), or the work consists of channel protection, maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board may have the work done by force account without advertising for bids. In the event that no proposals are received, or if only one responsive proposal is received, the board may negotiate a contract for construction or performance of the work or improvement or substantially similar work or improvement; provided, that if only one responsive proposal is received such contract must be negotiated with the bidder. The agency may purchase in the open market without advertising for bids, materials and supplies for use in any work, either under contract or by force account. Government Code Sections 4300 to 4305 shall not apply to the agency's Middle Fork American River Project. The provisions

of this Section 12 shall apply to all proposals or contracts whether or not received or entered into prior to the effective date of the amendment of this section made at the 1963 Regular Session of the Legislature.

SEC. 4. Section 14.3 is added to the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957), to read:

Sec. 14.3. The taxes levied pursuant to Section 14.1 shall be collected at the time and in the manner of county taxes and paid into the county treasury. The net amount of the taxes, after deduction of the county's compensation for the services of its treasurer, assessor and tax collector, shall be paid to the agency treasurer by warrant of the county auditor.

SEC. 5. Section 14.4 is added to the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957), to read:

Sec. 14.4. (a) The board may establish a revolving fund for the use of any officer or employee of the agency by adopting a resolution setting forth the necessity for the fund, the office or employee for which the fund is available, and the amount of the fund. Certified copies of the resolution shall be transmitted to the agency auditor and agency treasurer.

(b) Before any money is withdrawn from the agency treasury to be placed in the revolving fund, the officer or employee for whose use the fund is created shall file with the secretary of the board a bond executed by himself as principal and by an admitted surety insurer, in an amount equal to that of the revolving fund. The bond shall be conditioned upon the faithful administration of the fund and upon the willingness and ability of the principal to account for and pay over the fund upon demand of the board at any time.

(c) Upon the filing of the required bond the agency auditor shall draw his warrant in favor of the officer or employee for whose benefit the revolving fund is created, and the agency treasurer shall pay the warrant.

(d) The officer or employee may be authorized to use the fund for making change when necessary in carrying on his official work.

(e) The officer or employee shall not be authorized to expend any portion of the revolving fund except for services or material which are a legal charge against the agency.

(f) Any expenditure in excess of one dollar ($1) shall not be made unless a receipt is obtained which sets forth the date, the purpose of the expenditure, and the amount expended.

(g) Demand shall be made upon the agency for reimbursement of the fund in the same manner that other demands are made and shall be supported by receipts. All sums received in satisfaction of the demand shall be returned to the revolving fund.

(h) Upon demand of the agency auditor or board, the officer or employee entrusted with the fund shall give an account of the fund.

(i) The board may at any time increase, reduce, or discontinue any revolving fund established by its order. If the re-

volving fund is ordered reduced, the officer or employee using it shall immediately return to the agency treasurer the amount necessary to reduce the fund as ordered by the board. If the fund is discontinued the officer or employee shall immediately refund it to the agency treasurer. A reasonable time shall be allowed the officer or employee to reimburse himself by demand on the agency for expenditures legally made from the fund.

SEC. 6. Section 15 of the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957) is amended to read:

Sec. 15. (a) The board by resolution shall establish such zones within the agency as in the judgment of said board are necessary to equitably apportion the benefits of the agency to the lands within the respective zones. Such zones may be established within the agency without reference to the boundaries of other zones, by setting forth the descriptions thereof by metes and bounds and by entitling each of such zones by a zone number. The lands comprising a zone need not be contiguous. All zones shall be established only with respect to projects for the benefit of such zones and proceedings for the establishment of such zones may be conducted concurrently with and as a part of proceedings for the instituting of projects relating to such zones, which proceedings shall be instituted in the manner prescribed in this section.

(b) The board may institute projects for the financing, acquisition, constructing, maintaining, operating, extending, repairing or otherwise improving any work of benefit to single zones or two or more zones. In cases of projects for the benefit of two or more zones, such zones shall become, and shall be referred to as, participating zones. For the purpose of acquiring authority to proceed with any such project, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimates of the cost of same to be borne by the particular zone or participating zones and fixing a time and place for public hearing of said resolution. The resolution shall refer to a map or maps showing the general location and general construction of said project. Notice of such hearing shall be given by publication pursuant to Section 6066 of the Government Code in a newspaper of general circulation designated by the board, circulated in such zone or each of said participating zones, if there be such newspaper, and if there be no such newpaper then by posting notice for two consecutive weeks prior to said hearing in two public places designated by the board, in such zone or in each of said participating zones. Publication shall be completed at least seven days before the date of the hearing. Said notice must designate a public place in such zone or in each of said participating zones where a copy or copies of the resolution and the map or maps of the proposed project may be seen by any interested person; said resolution and map or maps must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.

(c) At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board shall consider all written and oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon the proposed project or proceed with the same, or a portion thereof, unless prior to the conclusion of said hearing written protests have been filed against the proposed project signed by owners of real property within the zone or participating zone the assessed value of which, as shown by the last equalized assessment roll, constitutes more than one-half of the total assessed value of the real property of such zone, in which event further proceedings relating to such project must be suspended for not less than six months following the date of the conclusion of said hearing, or said proceeding may be abandoned at the discretion of the board.

(d) The board shall have power, in any year:

(1) To levy taxes upon all taxable property in each or any of said zones according to benefits derived or to be derived therein to pay the cost and expenses of carrying out any of the objects or purposes of this act of benefit to such zones, including the administering, acquiring, constructing, maintaining, operating, extending, repairing, or otherwise improving any or all works of improvement established or to be established within or on behalf of said respective zones. Said taxes shall be based upon the assessment rolls used by the county for general tax purposes and shall not exceed fifty cents ($0.50) on each one hundred dollars ($100) of assessed valuation, exclusive of any tax levied pursuant to subdivision (f), hereof.

(2) Said taxes shall be levied and collected together with, and not separately from taxes for county purposes, and the revenues derived from said agency taxes shall be paid into the county treasury to the credit of the agency and the respective zones thereof, and the board shall have the power to control and order the expenditure thereof; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes levied under the provisions of this section shall be expended for acquiring, constructing, maintaining, operating, extending, repairing or otherwise improving any works located in any other zone, except in the case of projects for the benefit of participating zones or for projects authorized or established outside such zone or zones, but for the benefit thereof.

(e) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work in any zone or participating zones, the board may by resolution determine and declare the respective amounts of bonds necessary to be issued in each zone in order to raise the amount of money necessary for each work and the maximum rate of interest of said bonds The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the office of the Recorder of Placer County within five (5) days after its adoption. From and after said filing of said copy of said

resolution the board shall be deemed vested with the authority to proceed with the bond election.

(f) After the filing for record of the resolution specified in subdivision (e) of this section, the board may call a special bond election in said zone or participating zones at which shall be submitted to the qualified electors of said zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes levied upon the lands situated within the zone or participating zones, and all such lands shall be and remain liable to be taxed for such payments as provided in this act.

(g) The board shall call such special bond election by resolution and submit to the qualified electors of said zone or participating zones the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in the resolution referred to in subdivision (e) of this section. The resolution calling the bond election shall recite the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of the resolution referred to in subdivision (e) of this section. The resolution calling such special bond election shall also state the estimated cost of the proposed work, the amount of the principal of the indebtedness to be incurred and the maximum rate of interest to be paid on said indebtedness. Said resolution shall also fix the date on which such special election shall be held and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed six percent (6%) per annum. For the purposes of said election said board shall in said resolution calling said bond election establish a special bond election precinct or precincts within the boundaries of each zone and participating zones and may form election precincts by consolidating the precincts established for general elections in the agency to a number not exceeding six general precincts for each such special bond election precinct. Said resolution shall also designate polling places and appoint at least one inspector, one judge and one clerk for each of such special bond election precincts.

(h) In all particulars not recited in said resolution calling said bond election, such special bond election shall be held as nearly as practicable in conformity with the general election laws of the state.

(i) The board shall cause a map to be prepared covering a general description of the work to be done, which said map shall show the location of the proposed work and shall cause the said map to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

(j) Said resolution calling for such special bond election shall, prior to the date set for such election, be published in a newspaper of general circulation circulated in each zone and participating zone affected for six consecutive times if published in a daily newspaper of general circulation, or two times if published in a weekly newspaper of general circulation. The last publication of such resolution must be at least fourteen (14) days before said election, and if there be no such newspaper, then such resolution shall be posted in two public places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

(k) Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. If at such election two-thirds of the votes cast in the zone or in each of the participating zones are in favor of incurring such bonded indebtedness, then bonds for such zone or participating zones for the amount stated in such proceedings may be issued and sold as in this act provided.

(*l*) The board shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, which must include a designation of the zone or participating zones affected, and of the interest coupons attached thereto. Said bonds shall be payable annually or semiannually, at the discretion of the board, each and every year on a day and date and at a place to be fixed by said board and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

(m) 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 dates from those of any other series. The maturity dates of each series shall comply with this section. The board may fix a date not more than two (2) years from the date of issuance for the earliest maturity of each issue or series of bonds. The final maturity date of each issue or series shall not exceed forty (40) years from the time of incurring the indebtedness evidenced by such issue or series.

(n) The bonds shall be issued in such denomination as the board may determine, and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of six percent (6%) per annum, and shall be made payable annually or semiannually, and the bonds of each issue or series shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the auditor of the agency, and the seal of the agency shall be affixed thereto by the clerk of the board. One of such signatures may be printed, engraved or lithographed. The interest coupons of said bonds shall be numbered consecutively and signed by the said auditor by his

printed, engraved or lithographed signature. In case any such officers whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officers before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officers had remained in office until the delivery of the bonds.

(o) Before selling the bonds, or any part thereof, the board shall give notice not less than 10 days prior to the date of sale by publication in a newspaper of general circulation circulating in the agency inviting sealed bids in such manner as the board shall 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.

(p) Any bonds issued under the provisions of this section, and the interest thereon, shall be paid by revenues derived from an annual tax upon all taxable property in the zone or participating zones sufficient to pay the interest and such portion of the principal of said bonds as is due or to become due before the time for making the next general tax levy. No zone nor the property therein shall be liable for the share of bonded indebtedness of any other zone, nor shall any moneys derived from taxation in any of the several zones be used in payment of principal or interest or otherwise of the share of the bonded indebtedness chargeable to any other zone. Such taxes shall be levied and collected in the respective zones or participating zones, together with and not separately from taxes for county purposes, and the revenues derived from said taxes shall be paid into the county treasury of said Placer County to the credit of the zone of payment, and thereafter paid to the agency treasurer pursuant to Section 14.3 and be used for the payment of the principal and interest on said bonds, and for no other purpose. It is hereby declared that for the purposes of any tax levied pursuant to this subdivision (p), the property so taxed within a given zone is equally benefited.

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 Placer County Water Agency has just purchased a public utility water system and is now commencing the operation of such system The purchase of this system was financed by revenue bonds, the proceeds of which are in the hands of a fiscal agent In order to provide for sound business practices it is necessary for the agency to be able to appoint its own officers to account for and keep custody of its funds and to

be able to establish revolving funds as necessary. Unless this act goes into immediate effect inefficient and uneconomical methods of operation will have to be employed in the maintenance and operation of the water system.

CHAPTER 359

An act to amend Section 3255 of the Education Code, relating to the maximum tax rates in the reorganization of school districts.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 3255 of the Education Code is amended to read:

3255. In any proposal for reorganization of school districts recommended by a county committee, the committee shall include a provision for the authorization of a maximum tax rate for the proposed new district, and such provision shall be an inherent part of the proposal, and shall not be construed as a separate proposition. If the reorganization is approved by the registered voters of the area, such tax rate shall be the maximum tax rate for the type of new district formed in lieu of any rate specified in Section 20751 until changed by the registered voters of the district in the manner prescribed in Section 20803. Such tax rate established by the county committee shall not be less than the tax rates for the new district provided in Section 20751 nor more than the rate which would produce revenue for the proposed new district equal to: (1) the sum of the revenue of each of the districts proposed to be wholly or partially included therein had the maximum allowable tax rate been in effect in each such district during the school year prior to the fiscal year in which the election for reorganization is held; (2) revenues equal to the amount by which the state equalization aid allowances, if any, computed for the proposed district for the fiscal year are less than the sum of the state equalization aid allowances, if any, made to the component districts during the fiscal year prior to the fiscal year in which the election for reorganization is held; and (3) revenues equal to the amount of the difference between the average certificated and the average classified salary of all the component districts during the school year prior to that in which the election is held and the average certificated and the average classified salary of the high school district or districts included in the proposal multiplied by the number of employees in each category at the elementary level. In the event the salary schedule of an included

elementary district or unified district is higher than that of the high school district, the county committee may for the purpose of determining a tax rate under this section substitute that elementary or unified district salary schedule for the high school district schedule. Any tax rate approved pursuant to this section may be decreased by the governing board of the district to not less than the tax rate specified in Section 20751.

The maximum tax rate of the proposed new district shall be printed on the ballot.

CHAPTER 360

An act to amend Section 71140 of the Government Code, relating to municipal and justice courts.

[Approved by Governor July 3, 1969 Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 71140 of the Government Code is amended to read:

71140. The judges of a municipal court and the judges, constables, and deputy constables of a justice court shall be a resident eligible to vote in the judicial district or city and county in which they are elected or appointed for a period of at least 54 days prior to the date of their election or appointment. This requirement shall not affect the right of any person to automatically succeed to an office or position pursuant to Sections 71080 to 71083, inclusive, and Sections 71085 to 71090, inclusive, nor the right of any person to be constable in any county governed by a freeholders' charter which provides that constables shall be appointed by the sheriff, or shall be ex officio deputy sheriffs. This requirement shall not apply to the incumbent constable of a superseded justice's court, whose residence is in the township in which the superseded court existed but not included in the judicial district as fixed by the board of supervisors, and who succeeds to the office of constable of such court or is elected thereto at the first election of constables under this act or who seeks reelection to such office.

This requirement shall not apply to a judge of a municipal court for the rest of his unexpired term and for one successive term of office for which he is subsequently reelected when:

(a) He has succeeded to office under the provisions of Section 71083 and his residence is not in the annexed district.

(b) Part of a municipal court district is annexed to another municipal court district and the judge of the original district lives in the part that is annexed.

CHAPTER 361

An act to amend Sections 14000 and 14001 of the Fish and Game Code, relating to the Pacific Marine Fisheries Compact.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 14000 of the Fish and Game Code is amended to read:

14000. The Governor is hereby authorized and directed to execute a compact on behalf of this state with any or all of the States of Alaska, Idaho, Oregon and Washington for the purpose of cooperating with such states in the formation of a Pacific Marine Fisheries Commission.

SEC. 2. Section 14001 of the Fish and Game Code is amended to read:

14001. The form and contents of such compact shall be substantially as provided in this section and the effect of its provisions shall be interpreted and administered in conformity with the provisions of this division:

PACIFIC MARINE FISHERIES COMPACT

The contracting states do hereby agree as follows:

Article I

The purposes of this compact are and shall be to promote the better utilization of fisheries, marine, shell and anadromous, which are of mutual concern, and to develop a joint program of protection and prevention of physical waste of such fisheries in all of those areas of the Pacific Ocean over which the compacting states jointly or separately now have or may hereafter acquire jurisdiction.

Nothing herein contained shall be construed so as to authorize the compacting states or any of them to limit the production of fish or fish products for the purpose of establishing or fixing the prices thereof or creating and perpetuating a monopoly.

Article II

This agreement shall become operative immediately as to those states executing it in the form that is in accordance with the laws of the executing state and when the Congress has given its consent.

Article III

Each state joining herein shall appoint, as determined by state statutes, one or more representatives to a commission hereby constituted and designated as the Pacific Marine Fisheries Commission, of whom one shall be the administrative or other officer of the agency of such state charged with the con-

servation of the fisheries resources to which this compact pertains. This commission shall be invested with the powers and duties set forth herein.

The term of each commissioner of the Pacific Marine Fisheries Commission shall be four years. A commissioner shall hold office until his successor shall be appointed and qualified but such successor's term shall expire four years from legal date of expiration of the term of his predecessor. Vacancies occurring in the office of such commissioner from any reason or cause shall be filled for the unexpired term, or a commissioner may be removed from office, as provided by the statutes of the state concerned. Each commissioner may delegate in writing from time to time, to a deputy, the power to be present and participate, including voting as his representative or substitute, at any meeting of or hearing by or other proceeding of the commission.

Voting powers under this compact shall be limited to one vote for each state regardless of the number of representatives.

Article IV

The duty of the said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the conservation and the prevention of the depletion and physical waste of the fisheries, marine, shell, and anadromous in all of those areas of the Pacific Ocean over which the states signatory to this compact jointly or separately now have or may hereafter acquire jurisdiction. The commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their respective jurisdictions and said conservation zones to promote the preservation of those fisheries and their protection against overfishing, waste, depletion or any abuse whatsoever and to assure a continuing yield from the fisheries resources of the signatory parties hereto.

To that end the commission shall draft and, after consultation with the advisory committee hereinafter authorized, recommend to the governors and legislative branches of the various signatory states hereto legislation dealing with the conservation of the marine, shell, and anadromous fisheries in all of those areas of the Pacific Ocean over which the states signatory to this compact jointly or separately now have or may hereafter acquire jurisdiction. The commission shall, more than one month prior to any regular meeting of the legislative branch in any state signatory hereto, present to the governor of such state its recommendations relating to enactments by the legislative branch of that state in furthering the intents and purposes of this compact.

The commission shall consult with and advise the pertinent administrative agencies in the signatory states with regard to

problems connected with the fisheries and recommend the adoption of such regulations as it deems advisable and which lie within the jurisdiction of such agencies.

The commission shall have power to recommend to the states signatory hereto the stocking of the waters of such states with marine, shell or anadromous fish and fish eggs or joint stocking by some or all of such states and when two or more of the said states shall jointly stock waters the commission shall act as the coordinating agency for such stocking.

Article V

The commission shall elect from its number a chairman and a vice chairman and shall appoint and at its pleasure remove or discharge such officers and employees as may be required to carry the provisions of this compact into effect and shall fix and determine their duties, qualifications and compensation. Said commission shall adopt rules and regulations for the conduct of its business. It may establish and maintain one or more offices for the transaction of its business and may meet at any time or place within the territorial limits of the signatory states but must meet at least once a year.

Article VI

No action shall be taken by the commission except by the affirmative vote of a majority of the whole number of compacting states represented at any meeting. No recommendation shall be made by the commission in regard to any species of fish except by the vote of a majority of the compacting states which have an interest in such species.

Article VII

The fisheries research agencies of the signatory states shall act in collaboration as the official research agency of the Pacific Marine Fisheries Commission.

An advisory committee to be representative of the commercial fishermen, commercial fishing industry and such other interests of each state as the commission deems advisable shall be established by the commission as soon as practicable for the purpose of advising the commission upon such recommendations as it may desire to make.

Article VIII

Nothing in this compact shall be construed to limit the powers of any state or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any state imposing additional conditions and restrictions to conserve its fisheries.

Article IX

Continued absence of representation or of any representative on the commission from any state party hereto, shall be brought to the attention of the governor thereof.

Article X

The states agree to make available annual funds for the support of the commission on the following basis:

Eighty percent of the annual budget shall be shared equally by those member states having as a boundary the Pacific Ocean. Not less than 5 percent of the annual budget shall be contributed by any other member state. The balance of the annual budget shall be shared by those member states having as a boundary the Pacific Ocean, in proportion to the primary market value of the products of their commercial fisheries on the basis of the latest five-year catch records.

The annual contribution of each member state shall be figured to the nearest one hundred dollars ($100).

Article XI

This compact shall continue in force and remain binding upon each state until renounced by it. Renunciation of this compact must be preceded by sending six months' notice in writing of intention to withdraw from the compact to the other parties hereto.

Article XII

Hawaii or any other state having rivers or streams tributary to the Pacific Ocean may become a contracting state by enactment of the Pacific Marine Fisheries Compact. Upon admission of any new state to the compact, the purposes of the compact and the duties of the commission shall extend to the development of joint programs for the conservation, protection and prevention of physical waste of fisheries in which the contracting states are mutually concerned and to all waters of the newly admitted state necessary to develop such programs.

This compact shall become effective upon its enactment by the states signatory to this compact and upon ratification by Congress by virtue of the authority vested in it under Article 1, Section 10, of the Constitution of the United States.

CHAPTER 362

An act to amend Sections 1529 and 1534 of the Penal Code, relating to search warrants.

[Approved by Governor July 3, 1969 Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 1529 of the Penal Code is amended to read:

1529. The warrant must be in substantially the following form:

County of _____.

The people of the State of California to any sheriff, constable, marshal, or policeman in the County of _____:

Proof, by affidavit, having been this day made before me by (naming every person whose affidavit has been taken), that (stating the grounds of the application, according to Section 1524, or, if the affidavit be not positive, that there is probable cause for believing that _____ stating the ground of the application in the same manner), you are therefore commanded, in the daytime (or at any time of the day or night, as the case may be, according to Section 1533), to make search on the person of C.D. (or in the house situated _____, describing it or any other place to be searched, with reasonable particularity, as the case may be) for the following property: (describing it with reasonable particularity); and if you find the same or any part thereof, to bring it forthwith before me at (stating the place).

Given under my hand, and dated this _____ day of _____, A.D. 19__.

E.F., Judge of the Justice Court (or as the case may be).

SEC. 2. Section 1534 of the Penal Code is amended to read:

1534. A search warrant must be executed and returned to the issuing magistrate within 10 days after date of issuance. A search warrant executed within the 10-day period shall be deemed to have been timely executed and no further showing of timeliness need be made. After the expiration of 10 days the warrant, unless executed, is void. The documents and records of the court relating to the search warrant need not be open to the public until the execution and return of the warrant or the expiration of the 10-day period after issuance; thereafter, if the warrant has been served, such documents and records shall be open to the public as a judicial record.

CHAPTER 363

An act to amend Sections 6300 and 6301 of, to amend and renumber Sections 6307 and 6308 of, and to add Sections 6307 and 6428 to, the Water Code, relating to the supervision of dams and reservoirs.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 6300 of the Water Code is amended to read:

6300. The application for a new dam or reservoir or enlargement shall set forth the estimated cost, as defined in this article, of the dam or reservoir or enlargement and shall be accompanied by a filing fee based upon the estimated cost and according to the following schedule:

(a) For the first one hundred thousand dollars ($100,000) a fee of 3 percent of the estimated cost.

(b) For the next four hundred thousand dollars ($400,000) a fee of 1½ percent.

(c) For the next five hundred thousand dollars ($500,000) a fee of 1 percent.

(d) For all costs in excess of one million dollars ($1,000,000) a fee of two-fifths of 1 percent.

In no case, however, shall the minimum fee be less than one hundred dollars ($100).

SEC. 2. Section 6301 of the Water Code is amended to read:

6301. One filing fee only shall be collected for an enlargement to be effected by flashboards, sandbags, earthen levees, gates, or other works, devices, or obstructions which are, from time to time, to be removed and replaced or opened and shut and thereby operated so as to vary the surface elevation of the impounded water.

SEC. 3. Section 6307 of the Water Code is amended and renumbered to read:

6308. All fees and other charges collected under the provisions of this part shall be paid into the State Treasury immediately after the department has certified as to the correctness of the amounts received and made any adjustments necessary.

SEC. 4. Section 6307 is added to the Water Code, to read:

6307. (a) An annual fee shall be paid on or before December 31, 1970, and on or before December 31 of each succeeding year, based upon the height of the dam, including all enlargements thereto, substantially completed by or in operation on June 30, 1970, and on June 30 each succeeding year. The annual fee shall be thirty dollars ($30) plus one dollar ($1) per foot of height of the dam.

(b) For purposes of this section, height of the dam means the vertical distance, to the nearest foot, from the natural bed of the stream or watercourse at the downstream toe of the barrier, as determined by the department, or from the lowest elevation of the outside limit of the barrier, as determined by the department, if it is not across a stream channel or watercourse, to the maximum possible water storage elevation.

SEC. 5. Section 6308 of the Water Code is amended and renumbered to read:

6309. The fees provided for in this article shall be required of all enumerated in the definition of owner in Chapter 1 of this part.

SEC. 6. Section 6428 is added to the Water Code, to read:

6428. Any owner who fails to pay any annual fee or any part of any annual fee required to be paid pursuant to Section 6307 within the time required shall pay a penalty of 10 percent of the annual fee or part of the annual fee, in addition to the annual fee or part of the annual fee, plus interest at the rate of one-half of 1 percent per month, or fraction thereof, from the date on which the annual fee or the part of the annual fee became due and payable to the state until the date of payment.

CHAPTER 364

An act to amend Section 22450 of the Vehicle Code, relating to vehicle special stops.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 22450 of the Vehicle Code is amended to read:

22450. The driver of any vehicle approaching a stop sign at the entrance to, or within, an intersection, or railroad grade crossing shall stop at a limit line, if marked, otherwise before entering the crosswalk on the near side of the intersection.

If there is no limit line or crosswalk, the driver shall stop at the entrance to the intersecting roadway or railroad grade crossing.

CHAPTER 365

An act to amend Section 407 of the Penal Code, relating to unlawful assembly.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 407 of the Penal Code is amended to read:

407. Whenever two or more persons assemble together to do an unlawful act, or do a lawful act in a violent, boisterous, or tumultuous manner, such assembly is an unlawful assembly.

CHAPTER 366

An act to amend Sections 27173.5, 27182, and 27195 of the Streets and Highways Code, relating to bridge and highway districts.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. 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, employee benefit insurance, or workmen's compensation insurance, 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 trade paper of general circulation, published no more than one week apart 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. 2. Section 27182 of the Streets and Highways Code is amended to read:

27182. The auditor under the direction of the board of directors shall install and maintain a system of auditing and accounting which shall completely show the financial condition of the district at all times. He shall draw warrants to pay those claims made against the district which have been approved by the general manager.

SEC. 3. Section 27195 of the Streets and Highways Code is amended to read:

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 and other auditing procedures, is satisfied that expenditures and claims were supported by proper documentation and were properly recorded.

(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.

CHAPTER 367

An act to add Sections 61 and 62 to the Elections Code, relating to city and county charters.

[Approved by Governor July 3, 1969 Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 61 is added to the Elections Code, to read:

61. The county clerk of any county, in submitting to the Legislature for ratification a proposed county charter or amendment to a county charter, shall submit with such charter or amendment, the following:

(a) Certified copies of all publications and notices required of the county by Section 7½ of Article XI of the Constitution or by the laws of this state in connection with an election to propose or amend a county charter.

(b) Certified copies of any arguments for or against the proposed charter or amendments to a charter which were mailed to voters pursuant to Section 3783.

(c) A certified abstract of the vote at the election at which the proposed charter or amendment to a charter was approved by the voters.

SEC. 2. Section 62 is added to the Elections Code, to read:

62. The city clerk of any city, in submitting to the Legislature for ratification a proposed city charter or amendment to a city charter, shall submit with such charter or amendment, the following:

(a) Certified copies of all publications and notices required of the city by Section 8 of Article XI of the Constitution or by the laws of this state in connection with an election to propose or amend a city charter.

(b) Certified copies of any arguments for or against the proposed charter or amendments to a charter which were mailed to voters pursuant to Section 5012.

(c) A certified abstract of the vote at the election at which the proposed charter or amendment to a charter was approved by the voters.

CHAPTER 368

An act to amend Sections 6487, 6563, 7711.5, 8782, 8852.5, 9881, 9927 and 32303 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor July 3, 1969 Filed with Secretary of State July 3, 1969]

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

SECTION 1. Section 6487 of the Revenue and Taxation Code is amended to read:

6487. Except in the case of fraud, intent to evade this part or authorized rules and regulations, or failure to make a return, every notice of a deficiency determination shall be mailed within three years after the last day of the calendar month following the quarterly period for which the amount is proposed to be determined or within three years after the return is filed, whichever period expires the later. In the case of failure to make a return, every notice of determination shall be mailed within eight years after the last day of the calendar month following the quarterly period for which the amount is proposed to be determined.

The limitation specified in this section does not apply in case of a sales tax proposed to be determined with respect to sales of property for the storage, use, or other consumption of which notice of a deficiency determination has been or is given pursuant to Sections 6486, 6515, and 6537 and to the first paragraph of this section. The limitation specified in this section does not apply in case of an amount of use tax proposed to be determined with respect to storage, use, or other consumption of property for the sale of which notice of a deficiency determination has been or is given pursuant to Sections 6486, 6515, and 6537 and to the first paragraph of this section.

SEC. 2. Section 6563 of the Revenue and Taxation Code is amended to read:

6563. The board may decrease or increase the amount of the determination before it becomes final, but the amount may be increased only if a claim for the increase is asserted by the board at or before the hearing. Unless the penalty imposed by Section 6485 or Section 6514 applies to the amount of the determination as originally made or as increased, the claim for increase must be asserted within eight years after the last day of the calendar month following the quarterly period for which the increase is asserted.

SEC. 3. Section 7711.5 of the Revenue and Taxation Code is amended to read:

7711.5. The board may decrease or increase the amount of the determination before it becomes final, but the amount may be increased only if a claim for the increase is asserted by the board at or before the hearing. Unless the penalty imposed by Section 7662, Section 7673 or Section 7727 applies to the

amount of the determination as originally made or as increased, the claim for increase must be asserted within eight years after the date the return for the period for which the increase is asserted was due.

SEC. 4. Section 8782 of the Revenue and Taxation Code is amended to read:

8782. Except in the case of fraud, intent to evade the tax, or failure to make a return, every notice of a deficiency determination shall be given within three years after the last day of the month following the month for which the return was due or within three years after the return is filed, whichever period expires the later. If the user fails to make a return, the notice of determination shall be mailed within eight years after the last day of the month following the month for which the return was due.

SEC. 5. Section 8852.5 of the Revenue and Taxation Code is amended to read:

8852.5. The board may decrease or increase the amount of the determination before it becomes final, but the amount may be increased only if a claim for the increase is asserted by the board at or before the hearing. Unless the penalty imposed by Section 8780 or Section 8804 applies to the amount of the determination as originally made or as increased, the claim for increase must be asserted within eight years after the last day of the month following the month for which the return for the period for which the increase is asserted was due or within eight years after the return was filed, whichever period expires the later.

SEC. 6. Section 9881 of the Revenue and Taxation Code is amended to read:

9881. Except in the case of fraud, intent to evade this part or authorized rules and regulations, or failure to make a return, every notice of a deficiency determination shall be mailed to the operator within three years after the last day of the month following the month in which the taxable operations occurred or within three years after the return of the operator is filed, whichever period expires the later. If an operator fails to make a return, the notice of determination shall be mailed within eight years after the last day of the month following the month in which the taxable operations occurred.

SEC. 7. Section 9927 of the Revenue and Taxation Code is amended to read:

9927. If a petition for redetermination is filed within the 30-day period, the board shall reconsider the determination and, if the operator has so requested in his petition, shall grant the operator an oral hearing and shall give him 10 days' notice of the time and place of the hearing. The board may continue the hearing from time to time as may be necessary.

The board may decrease or increase the amount of the determination before it becomes final, but the amount may be increased only if a claim for the increase is asserted by the board at or before the hearing Unless the penalty imposed by

Section 9879 or Section 9903 applies to the amount of the determination as originally made or as increased, the claim for increase must be asserted within eight years after the last day of the month following the month in which the taxable operations occurred with respect to which the increase is asserted.

SEC. 8. Section 32303 of the Revenue and Taxation Code is amended to read:

32303. The board may decrease or increase the amount of the determination before it becomes final, but the amount may be increased only if a claim for the increase is asserted by the board at or before the hearing. Unless the 25 percent penalty imposed by Section 32271 or Section 32291 applies to the amount of the determination as originally made or as increased, the claim for increase must be asserted within eight years after the date the return for the period for which the increase is asserted was due.

CHAPTER 369

An act to amend Sections 255, 619, 619.2, 621 and 1603 of, and to repeal Sections 255.1, 622, 623, 624 and the heading of Article 4 (following Section 1022) of Chapter 5, Part 2, Division 1 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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 and the homeowner's exemption, shall be filed with the assessor between the lien date and 5 o'clock p.m. on March 15. Veterans' exemptions and affidavits for the homeowner's exemption shall be filed with the assessor between the lien date and 5 o'clock p.m. on April 15.

SEC. 2. Section 255.1 of the Revenue and Taxation Code is repealed.

SEC. 2.5. Section 619 of the Revenue and Taxation Code is amended to read:

619. The assessor shall, upon or prior to completion of the local roll, either:

(a) Inform each assessee of real property on the local secured roll whose property's full cash value has increased of the assessed value of that property as it shall appear on the completed local roll; or

(b) Inform each assessee of real property on the local secured roll, or each assessee on the local secured roll and each assessee on the unsecured roll, of the assessed value of his real

property or of both his real and his personal property as it shall appear on the completed local roll.

The information given by the assessor to the assessee pursuant to subdivisions (a) or (b) shall include a notification of hearings by the county board of equalization, which shall include the period during which assessment protests will be accepted and the place where they may be filed.

This information shall also include the assessment ratio for the county as provided in Section 401 and the full cash value of the property.

This information shall be furnished by the assessor to the assessee by regular United States mail directed to him at his latest address known to the assessor.

Neither the failure of the assessee to receive this information nor the failure of the assessor to so inform the assessee shall in any way affect the validity of any assessment or the validity of any taxes levied pursuant thereto.

SEC. 3. Section 619.2 of the Revenue and Taxation Code is amended 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 not 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.

SEC. 4. Section 621 of the Revenue and Taxation Code is amended to read:

621. In any county the assessor, with the approval of the board of supervisors, may give the information required by Section 619, and similar information with reference to personal property, as an alternative to giving the information by United States mail, by having published lists of assessments in newspapers, or both. In counties of more than 4 million population and counties of more than 1 million population, as determined by the July 1, 1965, Department of Finance revised estimate, which are contiguous to a county with more than 4 million population, the assessor, with the approval of the board of supervisors, may divide the county into publication areas not to exceed five in number. Within such areas the assessment listings may be grouped by assessment map books, by post office zones or by such other arrangements as may be determined by the assessor as most likely to give notice to assessees and as practicable for publication in local newspapers. The complete assessment data of one such area may be printed in one year, and for other areas in successive years as directed by him until the full county is covered. Each year

at least all changes of assessment listings for all the areas shall be printed, together with a notice that no changes were made with regard to properties not on the list of changes, so that all changes will be on a current basis for the entire county. Newspapers for the publications shall be selected as they are for publication of the delinquent tax lists and the rate paid for the advertising shall be the same.

Neither the failure of the assessee to receive this information nor the failure of the assessor to so inform the assessee shall in any way affect the validity of any assessment or the validity of any taxes levied pursuant thereto.

SEC. 5. Section 622 of the Revenue and Taxation Code is repealed.

SEC. 6. Section 623 of the Revenue and Taxation Code is repealed.

SEC. 7. Section 624 of the Revenue and Taxation Code is repealed.

SEC. 8. The heading of Article 4 (immediately following Section 1022) of Chapter 5, Part 2, Division 1, of the Revenue and Taxation Code, is repealed.

SEC. 9. Section 1603 of the Revenue and Taxation Code is amended to read:

1603. Annually, on the third Monday in July, the board of supervisors or the assessment appeals board shall meet as the county board of equalization to equalize the assessment of property on the local roll. It shall continue in session for that purpose, from time to time, until the business of equalization is disposed of.

Any taxpayer may petition said board for a reduction in an assessment and a proportionate reduction or refund of the taxes extended thereon by filing an application pursuant to Section 1607 or Section 5097.

The county board shall have no power to receive or hear any petition for a reduction in an escaped assessment made pursuant to Section 531.1 nor a penal assessment levied in respect thereto, nor to reduce such assessments.

SEC. 10. Sections 1 and 2 of this act shall become operative on January 1, 1970.

CHAPTER 370

An act to add Section 9112 to the Government Code, relating to the State Capitol.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 9112 is added to the Government Code, to read:

9112. Notwithstanding any other provision of law, the Joint Committee on Legislative Organization may contract, on such terms and conditions as it deems to be in the best interests of the state, for the sale of souvenir pieces of the State Capitol building.

CHAPTER 371

An act to amend Sections 3968, 55033, 59618, 61414, 62478, and 64155 of, and to repeal Sections 21324, 21592, and 61944 of, the Agricultural Code, to amend Sections 1617, 5521, 5626, 6510, 6715, 6864, 7307, 8531, and 8531.5 of, and to repeal Section 9632 of, the Business and Professions Code, to amend Sections 1002.5, 1031, and 9254 of the Education Code, to amend Sections 10525, 14877, 18653, 27206, and 50842 of, and to repeal Section 27200 of, the Government Code, to repeal Section 682 of the Harbors and Navigation Code, to amend Sections 437.2, 13866, 25815, and 34283 of, and to repeal Section 1416 of, the Health and Safety Code, to amend Sections 85, 991.3, 994.3, 995.4, 996.11, 996.36, 996.56, and 996.71 of the Military and Veterans Code, to amend Section 12053 of the Penal Code, to amend Section 2207 of the Public Resources Code, to amend Sections 128 and 5680 of the Streets and Highways Code, to repeal Section 1808 of the Vehicle Code, to amend Section 409 of the Unemployment Insurance Code, to amend Sections 12516, 74228, and 74229 of, and to repeal Sections 6032, 70002, and 71596 of, the Water Code, and to amend Section 17001 of the Welfare and Institutions Code, relating to public records.

[Approved by Governor July 3, 1969 Filed with Secretary of State July 3, 1969]

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

SECTION 1. Section 3968 of the Agricultural Code is amended to read:

3968. Records of the board which are entries in events which are scheduled for future judging and for overnight entries in races on which there is parimutuel wagering prior to such events, judging times, or races, shall not be open to inspection by the public.

SEC. 2. Section 21324 of the Agricultural Code is repealed.

SEC. 3. Section 21592 of the Agricultural Code is repealed.

SEC. 4. Section 55033 of the Agricultural Code is amended to read:

55033. At least once each year, the director shall make or cause to be made an inspection of each warehouse which is registered pursuant to this chapter for the purpose of determining the extent, if any, of insect infestations which exist in each warehouse or in any of the grain which is stored in it.

A written record of the results of all such inspections shall be kept by the department.

SEC. 5. Section 59618 of the Agricultural Code is amended to read:

59618. A full and accurate record of business or acts which are performed, or of testimony which is taken pursuant to the provisions of this chapter, shall be kept and be placed on file in the office of the director.

SEC. 6. Section 61414 of the Agricultural Code is amended to read:

61414. Upon receipt of such filings or amendments, the director shall forthwith date, file, and index them in such manner that the information shall at all times be kept current.

SEC. 7. Section 61944 of the Agricultural Code is repealed.

SEC. 8. Section 62478 of the Agricultural Code is amended to read:

62478. A record of any hearing which is held by the director, pursuant to this article, shall be made and filed in the office of the director.

SEC. 9. Section 64155 of the Agricultural Code is amended to read:

64155. The council shall keep accurate books, records, and accounts of all its transactions, dealings, contracts, agreements, funds, and expenditure, which shall at all times be open to inspection and audit by the department. Any ballot which is filed with the director pursuant to this chapter is confidential and shall not be divulged except when necessary for the proper determination of any court proceedings or hearing before the director.

SEC. 10. Section 1617 of the Business and Professions Code is amended to read:

1617. A copy of any part or all of the books of the board duly certified by the secretary shall be primary evidence in any court of this state.

SEC. 11. Section 5521 of the Business and Professions Code is amended to read:

5521. The secretary shall keep an accurate record of all proceedings of the state board.

SEC. 12. Section 5626 of the Business and Professions Code is amended to read:

5626. The secretary shall keep an accurate record of all proceedings of the board.

SEC. 13. Section 6510 of the Business and Professions Code is amended to read:

6510. The board shall keep a record of its proceedings relating to the issuance, refusal, renewal, suspension and revocation of certificates or registration. This record shall also contain the name and mailing address of each registered barber and registered apprentice and the date and number of his certificate of registration.

SEC. 14. Section 6715 of the Business and Professions Code is amended to read:

6715. The secretary shall keep a complete record of all applications for registration and the board's action thereon and, between July 1 and December 1 in each even-numbered year, shall prepare a roster showing the names and addresses of all registered professional engineers. Between July 1 and December 1 in each odd-numbered year he shall prepare a supplemental roster showing changes in and additions to the roster.

A copy of the roster and the supplemental roster shall be filed with the Secretary of State and with the clerk of each county in the state, and a copy of each shall be furnished to each professional engineer registered under the provisions of this chapter. Copies of each shall be available on application to the secretary, at such price per copy as may be fixed by the board.

SEC. 15. Section 6864 of the Business and Professions Code is amended to read:

6864. The chief shall keep in his office in a suitable record provided for the purpose all applications for licenses, accompanying certificates, statements and documents and all bonds required to be filed under this chapter. The record shall state whether or not a license has been issued under the application and bond, and if revoked the date of filing the order of revocation, and if reinstated the date of filing the order of reinstatement. The chief shall keep a list of all persons, whose licenses have been revoked. In the record all licenses issued shall be indicated by their serial numbers as well as by the name and address of the licensee.

The chief shall adopt a seal for his own use. The seal shall have the words "Collection Agency Licensing Bureau, State of California" thereon. The care and custody of the seal shall be in the office of the chief.

SEC. 16. Section 7307 of the Business and Professions Code is amended to read:

7307. With the approval of the director, the board may:

(a) Prescribe the duties of its officers and employees.

(b) Establish a principal office and branch offices at such places in the state as may be deemed necessary.

All records and files of the board shall be kept at the principal office.

The board shall adopt a seal.

SEC. 17. Section 8531 of the Business and Professions Code is amended to read:

8531. The registrar shall keep a complete record of the board's actions, and shall maintain at the office of the board a complete index record of all applications for licenses issued licenses renewed, and all revocations, cancellations and suspensions of licenses.

SEC 18. Section 8531.5 of the Business and Professions Code is amended to read:

8531.5. The board shall prepare minutes of its annual meeting and any special meetings, which shall be permanently maintained at the office of the registrar.

SEC. 19. Section 9632 of the Business and Professions Code is repealed.

SEC. 20. Section 1002.5 of the Education Code is amended to read:

1002.5. Every official action taken by the governing board of every school district shall be affirmed by a formal vote of the members of the board, and the governing board of every school district shall keep minutes of its meetings, and shall maintain a journal of its proceedings in which shall be recorded every official act taken.

SEC. 21. Section 1031 of the Education Code is amended to read:

1031. The governing board of every school district shall:

(a) Certify or attest to actions taken by the governing board whenever such certification or attestation is required for any purpose.

(b) Keep an accurate account of the receipts and expenditures of school moneys.

(c) Make an annual report, on or before the first day of July, to the county superintendent of schools in the manner and form and on the blanks prescribed by the Superintendent of Public Instruction.

(d) Make or maintain such other records or reports as are required by law.

SEC. 22. Section 9254 of the Education Code is amended to read:

9254. Each fiscal year, the governing board of each school district, each county superintendent of schools, and each county librarian shall prepare and transmit to the Superintendent of Public Instruction on forms that he shall provide, a report on supplementary books or textbooks, which shall include the total amount expended by the district, county superintendent of schools, or library for the purchase of supplementary books or textbooks during the fiscal year immediately preceding. The Director of Education shall compute the total amount expended during each fiscal year for supplementary books or textbooks, as shown by the reports of all districts.

SEC. 23. Section 10525 of the Government Code is amended to read:

10525. All books, papers, records, and correspondence of the bureau pertaining to its work are public records and shall be filed at any of the regularly maintained offices of the Auditor General, except:

(a) Papers or memoranda that are of no further use may be destroyed upon approval of the Joint Legislative Audit Committee.

(b) Personal papers and correspondence of any person receiving assistance from the Auditor General when such person has requested in writing that his papers and correspondence be kept private and confidential. Such papers and correspondence shall become public records whenever the Auditor General or

the Legislature shall so order or the written request is withdrawn.

(c) Papers, correspondence or memoranda pertaining to any audit or investigation not completed, when in the judgment of the Auditor General, disclosure of such papers, correspondence, or memoranda will impede such audit or investigation.

SEC. 24. Section 14877 of the Government Code is amended to read:

14877. There shall be kept in the Office of State Printing, a time book, containing the name of every employee connected with the Office of State Printing, the time employed, the rate of wages, and amount paid.

SEC. 25. Section 18653 of the Government Code is amended to read:

18653. The board shall meet in Sacramento as often as the needs of the public service may require and in such other places as it may designate. A majority of the members of the board constitutes a quorum. The vote of three concurring members shall be required to make any action of the board effective. The board shall keep minutes of its own proceedings and record its official actions.

The board may hold executive sessions as provided in Section 11126 of the Government Code to deliberate on (1) recommendations to the Governor or the Legislature, or (2) decisions to be reached following hearings related to the administration of the provisions of Part 1 (commencing with Section 18000) and Part 2 (commencing with Section 18500) of Division 5, of Title 2 of the Government Code or of the rules thereunder.

SEC. 26. Section 27200 of the Government Code is repealed.

SEC. 27. Section 27206 of the Government Code is amended to read:

27206. The county recorder may destroy federal tax liens together with any release of said liens eight years after the lien was filed in his office; provided, a microfilm copy of each unreleased tax lien has been made and certified in the manner provided for in Section 1551 of the Evidence Code. All film used in the microphotography process shall comply with the minimum standards of quality approved by the United States Bureau of Standards. The original copy of the microfilm shall be kept in a safe and separate place for security purposes.

SEC. 28. Section 50842 of the Government Code is amended to read:

50842. The board shall keep a record of all its proceedings.

SEC. 29. Section 682 of Harbors and Navigation Code is repealed:

SEC. 30. Section 437.2 of the Health and Safety Code is amended to read:

437.2. The Health Planning Council shall meet at least quarterly, and on call of the council chairman as often as necessary to fulfill its duties. All decisions of the council shall be decided by a majority of the voting members.

SEC. 31. Section 1416 of the Health and Safety Code is repealed.

SEC. 32. Section 13866 of the Health and Safety Code is amended to read:

13866. The district board shall keep a record of all its acts, and of all money received and disbursed by it.

SEC. 33. Section 25815 of the Health and Safety Code is amended to read:

25815. (a) The department shall provide by rule or regulation for general or specific licensing of persons to receive, possess, or transfer radioactive materials, or devices or equipment utilizing such materials. Such rule or regulation shall provide for amendment, suspension, or revocation of licenses.

(b) The department may require registration and inspection of sources of ionizing radiation other than those that require a specific license, and compliance with specific safety standards to be promulgated by the department.

(c) The department may exempt certain sources of ionizing radiation or kinds of uses or users from the licensing or registration requirements set forth in this section when the department makes a finding that the exemption of such sources of ionizing radiation or kinds of uses or users will not constitute a significant risk to the health and safety of the public.

(d) Rules and regulations promulgated pursuant to this chapter may provide for recognition of other state or federal licenses as the department may deem desirable, subject to such registration requirements as the department may prescribe.

SEC. 34. Section 34283 of the Health and Safety Code is amended to read:

34283. The commissioners shall provide by resolution for the time and place of holding their regular meetings. Special meetings may be called by the chairman or by two commissioners, and notice thereof shall be mailed to each commissioner at least 48 hours before the meeting. An authority shall supply to the governing body of its respective city or county, on request, such information relating to its activities as are public records.

SEC 35. Section 85 of the Military and Veterans Code is amended to read:

85. Records of the department which are records of contract purchasers, shall not be open to inspection by the public.

SEC. 36. Section 991.3 of the Military and Veterans Code is amended to read:

991.3. The State Controller, the State Treasurer and the Veterans' Finance Committee of 1943 shall keep full and particular account and record of all their proceedings under this article, and they shall transmit to the Governor an abstract of all such proceedings thereunder, with an annual report, to be by the Governor laid before the Legislature biennially.

SEC. 37. Section 994.3 of the Military and Veterans Code is amended to read:

994.3. The State Controller, the State Treasurer and the Veterans' Finance Committee of 1943 shall keep full and particular account and record of all their proceedings under this article, and they shall transmit to the Governor an abstract of all such proceedings thereunder, with an annual report, to be by the Governor laid before the Legislature biennially.

SEC. 38. Section 995.4 of the Military and Veterans Code is amended to read:

995.4. The Controller, the Treasurer and the Veterans' Finance Committee of 1943 shall keep full and particular account and record of all their proceedings under this article, and they shall transmit to the Governor an abstract of all such proceedings thereunder, with an annual report, to be by the Governor laid before the Legislature biennially.

SEC. 39. Section 996.11 of the Military and Veterans Code is amended to read:

996.11. The Controller, the Treasurer and the Veterans' Finance Committee of 1943 shall keep full and particular account and record of all their proceedings under this article, and they shall transmit to the Governor an abstract of all such proceedings thereunder, with an annual report, to be by the Governor laid before the Legislature biennially.

SEC. 40. Section 996.36 of the Military and Veterans Code is amended to read:

996.36. The Controller, the Treasurer and the Veterans' Finance Committee of 1943 shall keep full and particular account and record of all their proceedings under this article, and they shall transmit to the Governor an abstract of all such proceedings thereunder, with an annual report, to be by the Governor laid before the Legislature biennially.

SEC. 41. Section 996.56 of the Military and Veterans Code is amended to read:

996.56. The Controller, the Treasurer and the Veterans' Finance Committee of 1943 shall keep full and particular account and record of all their proceedings under this article, and they shall transmit to the Governor an abstract of all such proceedings thereunder, with an annual report, to be by the Governor laid before the Legislature biennially.

SEC. 42. Section 996.71 of the Military and Veterans Code is amended to read:

996.71. The Controller, the Treasurer and the Veterans' Finance Committee of 1943 shall keep full and particular account and record of all their proceedings under this article, and they shall transmit to the Governor an abstract of all such proceedings thereunder, with an annual report, to be by the Governor laid before the Legislature biennially.

SEC. 43. Section 12053 of the Penal Code is amended to read:

12053. When any such license is issued a record thereof shall be maintained in the office of the licensing authority. Copies of each license issued shall be filed immediately by the issuing officer or authority with the State Bureau of Criminal Identification and Investigation.

SEC. 44. Section 2207 of the Public Resources Code is amended to read:

2207. The owner, lessor, lessee, agent, manager, or other person in charge of any mine of whatever kind or character within the state shall forward to the State Geologist, upon his request, at his office, not later than the 31st day of March in each year, upon forms which will be furnished, a report showing the character of the mine, the method of working the mine and the general condition thereof, and the total mineral production for the preceding calendar year. Any such person who fails to comply with the provisions of this section is guilty of a misdemeanor. Such reports shall be confidential

Statistical bulletins based on these reports and published under the provisions of Section 2205 of this code shall be compiled to show, for the state as a whole and separately for each county, the total of each mineral produced therein, provided that, in order not to disclose the production of any operator, no production figure shall be published which represents the production of less than three operators; and when such production figure for any county would conflict with such provision it may be combined with such production figures for one or more other counties. Such bulletin shall be published annually by June 30th or as soon thereafter as practical.

SEC. 45. Section 128 of the Streets and Highways Code is amended to read:

128. The department shall maintain, in each district office of the Division of Highways, a file of its final construction plans and right-of-way record maps for all completed state highway projects located within the district. The department may file in the office of the recorder of the county in which any state highway is located, such plans, maps, or drawings of each state highway as the department deems necessary in the public interest, which the county recorders of the several counties shall accept and file without fee. No certificate need be attached thereto other than the usual title of the department showing the approval of such plans, maps, or drawings by the proper officer or engineer of the department

All maps filed in the office of a county recorder pursuant to this section shall conform to the provisions of this paragraph The map shall be legibly drawn, printed or reproduced by a process that provides a permanent record. Each sheet of paper or other material used for such map shall be 22 by 36 inches in size, shall have clearly shown therein the particular number of the sheet, the total number of sheets comprising the map, and its relation to each adjoining sheet, and shall have encompassing its border a line that leaves a blank margin one inch in width, except that the left side margin shall be two

inches in width. In any county using a microfilm system, such plans, maps, or drawings may be microfilmed in lieu of filing.

SEC. 46. Section 5680 of the Streets and Highways Code is amended to read:

5680. The superintendent of streets shall keep a public office in some convenient place within the city, and shall keep such records as may be required by this division. The records so kept and signed by him shall have the same force and effect as other public records, and copies therefrom duly certified, may be used in evidence with the same effect as the originals.

SEC. 47. Section 409 of the Unemployment Insurance Code is amended to read:

409. The chairman shall assign cases before the board to any three members thereof for consideration and decision. Assignments by the chairman of members to such cases shall be rotated on such a basis so as to equalize the workload of the members but with the composition of the members so assigned being varied and changed to assure that there shall never be a fixed and continuous composition of members. Except as otherwise provided, a decision by two of the members assigned the case shall be the decision of the appeals board. A case shall be considered and decided by the appeals board acting as a whole at the request of any member of the appeals board.

The appeals board shall meet as a whole at such times as the chairman may direct to consider and pass on such matters as the chairman may bring before it, and to consider and decide cases which present issues of first impression or which will enable the appeals board to achieve uniformity of decisions by the respective members, and to hear and decide matters pursuant to Section 309.

The appeals board, acting as a whole, may designate certain of its decisions as precedents. The appeals board, acting as a whole, may on its own motion reconsider a previously issued decision solely to determine whether or not such decision shall be designated as a precedent decision. Decisions of the appeals board acting as a whole shall be by a majority vote of its members. The director and the appeals board referees shall be controlled by such precedents except as modified by judicial review.

The decisions of the appeals board shall contain a statement of the facts upon which the decision is based, and a statement of the decision itself and the reasons therefor. If the appeals board issues decisions other than those designated as precedent decisions, anything incorporated in such decisions shall be physically attached to and be made a part of such decisions. All decisions designated as precedents shall be published in such manner as to make them available for public use. The appeals board may make such reasonable charge for publications as it deems necessary to defray the cost of their publication and distribution.

SEC. 48. Section 1808 of the Vehicle Code is repealed.

SEC. 49. Section 6032 of the Water Code is repealed.

SEC. 50. Section 12516 of the Water Code is amended to read:

12516. The board shall be subject to the provisions of Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 51. Section 70002 of the Water Code is repealed.

SEC. 52. Section 71596 of the Water Code is repealed.

SEC. 53. Section 74228 of the Water Code is amended to read:

74228. A minute of all proceedings of the board shall be kept by the secretary.

SEC. 54. Section 74229 of the Water Code is amended to read:

74229. The board shall, annually, make and render a verified statement of the financial condition of the district, showing particularly the receipts and disbursements of the last preceding year, together with the source of such receipts and purpose of such disbursements. This statement shall be placed on file in the office of the district.

SEC. 55. Section 17001 of the Welfare and Institutions Code is amended to read:

17001. The board of supervisors of each county, or the agency authorized by county charter, shall adopt standards of aid and care for the indigent and dependent poor of the county or city and county.

CHAPTER 372

An act to amend Sections 6799 and 8805 of the Business and Professions Code, relating to professional license fees

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 6799 of the Business and Professions Code is amended to read:

6799. The amount of the fees prescribed by this chapter shall be fixed by the board in accordance with the following schedule:

(a) The fee for filing each application for registration as a professional engineer at not more than sixty dollars ($60), for authority to use the title "structural engineer" at not more than seventy-five dollars ($75), and for each application for certification as engineer in training at not more than forty dollars ($40).

(b) The registration fee for professional engineer shall be fixed as follows:

(1) For certificates issued after June 30, 1962, at an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except

that, with respect to certificates which will expire less than one year after issuance, the fee shall be fixed at an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial certificate fee where the certificate is issued less than 45 days before the date on which it will expire.

(c) The duplicate certificate fee at not more than six dollars ($6).

(d) The temporary registration fee for professional engineer at not more than twenty dollars ($20).

(e) The structural engineer's certificate of authority fee shall be fixed as follows:

(1) For certificates issued after June 30, 1962, at an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that, with respect to certificates which will expire less than one year after issuance, the fee shall be fixed at an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial certificate fee where the certificate is issued less than 45 days before the date on which it will expire.

(f) The renewal fee for professional engineer shall be fixed by the board at not more than twenty dollars ($20) for each branch of professional engineering in which registration is held; and the renewal fee for authority to use the title "structural engineer" at not more than twenty dollars ($20).

(g) The delinquency fee for a certificate which expires after June 30, 1961, is an amount equal to fifty percent (50%) of the renewal fee in effect on the date of its reinstatement.

Applicants wishing to be examined in more than one branch of engineering shall be required to pay the additional fee for each examination after the first.

SEC. 2. Section 8805 of the Business and Professions Code is amended to read:

8805. The amount of the fees prescribed by this chapter shall be fixed by the board in accordance with the following schedule:

(a) The application fee at not more than sixty dollars ($60).

(b) The license fee shall be fixed as follows:

(1) For licenses issued after June 30, 1962, at an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued, except that, with respect to licenses which will expire less than one year after issuance, the fee shall be fixed at an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the license is issued. The board may, by appropriate regulation, provide for the waiver

or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.

(c) The duplicate certificate fee at not more than six dollars ($6).

(d) The renewal fee shall be fixed by the board at not more than twenty dollars ($20).

(e) The temporary license fee at not more than twenty dollars ($20).

(f) The delinquency fee for a license which expires after June 30, 1961, is an amount equal to 50 percent (50%) of the renewal fee in effect on the date of its reinstatement.

CHAPTER 373

An act to amend Section 11018.2 of the Business and Professions Code, relating to subdivided lands.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 11018.2 of the Business and Professions Code is amended to read:

11018.2. No person shall sell or lease, or offer for sale or lease in this state any lots or parcels in a subdivision without first obtaining a public report from the commissioner, except that the commissioner shall waive the provisions of this section, in writing, for expressly zoned industrial subdivisions which are limited in use to industrial purposes and commercial leases of parcels in a shopping center.

As used in this section, "shopping center" means a group of commercial establishments, planned, developed, owned, or managed as a unit, with offstreet parking provided on the property of the shopping center.

CHAPTER 374

An act to amend Section 8.2 of, and to repeal Section 6.4 of, the Solano County Flood Control and Water Conservation District Act (Chapter 1656 of the Statutes of 1951), relating to the Solano County Flood Control and Water Conservation District, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 6.4 of the Solano County Flood Control and Water Conservation District Act (Chapter 1656 of the Statutes of 1951) is repealed.

SEC. 2. Section 8.2 of the Solano County Flood Control and Water Conservation District Act (Chapter 1656 of the Statutes of 1951) is amended to read:

Sec. 8.2. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in the district, and shall be held by the district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board of directors is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property, as herein provided; and said board of directors may determine, by resolution duly passed and entered in their minutes that any property, real or personal, held by the district is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell or otherwise dispose of said property, or lease the same, in the manner provided by law for the disposition and sale of property of counties; provided, that the title to water rights or water conservation works shall not be conveyed or alienated except by a vote of the electors at an election held for that purpose.

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

The Solano County Flood Control and Water Conservation District has acquired lands, easements, and rights-of-way for flood control purposes with financial assistance provided by the state under the provisions of the California Watershed Protection and Flood Prevention Law. Certain interests in small separate parcels of lands thus acquired are no longer needed for such purposes, but the value thereof is less than the costs of an election or elections to authorize sale. The state is entitled to have such interests sold and to be paid the proceeds of such sales promptly, which can be accomplished only if this act goes into immediate effect.

CHAPTER 375

An act to amend Section 6505.5 of the Government Code, relating to joint exercise of powers

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 6505.5 of the Government Code is amended 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 treasury of the treasurer so designated 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.

CHAPTER 376

An act to amend Section 1709 of the Corporations Code, relating to corporation acquiring own shares.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 1709 of the Corporations Code is amended to read:

1709. When a corporation acquires its shares out of earned surplus, under Section 1706 or Section 1707, or out of paid-in surplus under Section 1706 or by gift or bequest, or upon a merger or consolidation with, or upon the distribution of the assets of another corporation, domestic or foreign, or upon forfeiture, such shares may be carried as treasury shares or may (at the option of the board of directors) be retired, but no change in the stated capital shall be made either upon the acquisition or retirement of such shares unless proceedings are duly taken to that end under Section 1904, except that when a corporation acquires by purchase or forfeiture shares issued by it upon which part of the agreed subscription price remains unpaid, the stated capital is reduced by the amount unpaid upon such shares without further proceedings.

Upon any authorized purchase of shares issued by the corporation, or by any corporation of which it is subsidiary, out of earned or paid-in surplus the earned or paid-in surplus shall be reduced by an amount equal to the purchase price of such shares.

CHAPTER 377

An act to add Section 16475 of the Public Utilities Code, relating to public utility districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 16475 is added to the Public Utilities Code, to read:

16475. (a) A public utility district which acquires, constructs, owns, operates, controls or uses works for supplying its inhabitants with water, may fix and collect charges in the manner provided in Articles 3 and 8, Chapter 4, Division 7 of the Public Utilities Code, for a water standby or immediate availability charge on all land within its boundaries to which water is made available for any purpose by the district.

whether the water is actually used or not, except that such charge shall not apply to lands permanently dedicated exclusively to transportation of persons or property.

(b) The board of directors of the district which fixes such a charge may establish schedules varying the charges in different months and in different localities within a public utility district depending upon factors such as the uses to which the land is put, the cost of transporting the water to the land, the degree of availability or quantity of use of such water to the affected lands. The board may not, however, fix an annual charge in excess of ten dollars ($10) per acre or in excess of five dollars ($5) for a parcel of less than one acre.

(c) If a person for more than one year obtains substantially all of his water requirements for the contiguous parcels of land which he occupies from rainfall, springs, streams, lakes, rivers or wells, and if the person's primary economic activity on such land is the commercial extraction or processing of minerals, such land shall be exempt from any water standby or availability charges.

(d) Any funds derived from the charges levied pursuant to this section may be used by the district for all purposes which a public utility district is authorized to expend funds insofar as said purposes relate to the acquisition, construction, operation, control or use of works for supplying its inhabitants with water.

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

Since the authority to fix water standby charges under this act must be exercised on or before the first day of September of each year and since an ordinary statute does not take effect until the 61st day following adjournment of the Legislature, it is necessary that this act go into effect immediately so that a public utility district may fix water standby charges for the 1969–70 fiscal year in order to provide necessary funds for district waterworks operations during said fiscal year.

CHAPTER 378

An act relating to state-owned property.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Upon the effective date of this act, all that right-of-way lying within the City of Millbrae acquired by the State of California upon the dissolution of Joint Highway

District No. 10 shall be relinquished by the California Highway Commission and shall thereafter be the property of the City of Millbrae.

SEC. 2. The Legislature hereby finds and declares that the property described in Section 1 is surplus to the needs of the state and cannot be used by the state. Such property, however, would be of value to the City of Millbrae for street and highway use.

SEC. 3. If the property is sold by the City of Millbrae, the city shall use the proceeds for street and highway purposes.

CHAPTER 379

An act to amend Section 575 of the Probate Code, relating to actions for partition.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 575 of the Probate Code is amended to read:

575. When the decedent leaves an undivided interest in any property, an action for the partition thereof, may be instituted and maintained against the executor or administrator. The executor or administrator may institute and maintain an action against the other cotenants for partition of any property in which the decedent left an undivided interest.

CHAPTER 380

An act to amend Sections 4018 and 4019 of, to add Section 4018.1 to, and to repeal Section 4019.2 of, the Penal Code, relating to prisoners.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 4018 of the Penal Code is amended to read:

4018. The board of supervisors making such order may prescribe and enforce the rules and regulations under which such labor is to be performed; and provide clothing of such a distinctive character for said prisoners as such board, in its discretion, may deem proper.

SEC. 2. Section 4018.1 is added to the Penal Code, to read:

4018.1. 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 when it appears by the record that he has satisfactorily performed labor as assigned by the sheriff, chief of police, or superintendent of an industrial farm or road camp, five days may be deducted from his period of confinement by order of such sheriff, chief of police, or superintendent.

SEC. 3. 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 when it appears, by the record, that he has satisfactorily complied with the reasonable rules and regulations established by the sheriff, chief of police, or superintendent 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 have been satisfactory, five days may, with the consent of the sheriff, chief of police, or superintendent, be deducted from his period of confinement.

SEC. 4. Section 4019.2 of the Penal Code is repealed.

CHAPTER 381

An act to amend Section 24879 of the Business and Professions Code, relating to alcoholic beverages

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 24879 of the Business and Professions Code is amended to read:

24879. A retailer may return wine to the seller or to the successor of the seller and the seller or his successor may accept the return thereof, but the seller or his successor may not sell wine to the retailer for a period of one year after the date the returned wine is accepted or received unless any of the following exist:

(a) The wine is returned in exchange for the identical quantity, brand, and item of wine.

(b) It is returned pursuant to court order.

(c) The returned wine is a brand or item of wine which has been discontinued by the seller or his successor, and in such case the wine is exchanged for the identical quantity of a brand or item of similar quality.

(d) The wine delivered was other than that ordered by a retailer or was in a quantity other than that ordered. In such cases, the retailer may, within 15 days after such delivery, return such wine to the seller or his successor for exchange for the wine actually ordered, or may return the wine delivered in excess of the wine actually ordered. Returns under this subdivision may also be made after 15 days from the date of delivery upon written approval of the department.

(e) The wine has deteriorated in quality or the container thereof has been damaged, or the label or container for the wine has been changed, and the wine is returned and exchanged for the identical quantity of the same brand and type of wine and size of container. For the purpose of this subdivision, "wines of the same type" means wines which are within the same class as defined in Sections 17005 to 17050, inclusive, by the Standards of Identity and Quality, Title 17, California Administrative Code, and which bear the same rate of state wine excise tax Wines returned and exchanged pursuant to this subdivision shall have the same current posted price to retailers

If wine or the container thereof is damaged or deteriorated, and the seller thereof has ceased to carry on a business licensed under this division and there is no successor to such business, such wine may be returned by a retailer to a winegrower or wholesaler who handles the same brand or item of wine, upon the same terms and conditions provided in this section for return of wine to a seller or his successor, after receiving approval from the department.

The approval of the department shall only be required for returns made after 15 days from date of delivery under the provisions of subdivision (d) of this section, or returns made under the provisions of the immediately preceding paragraph of this section.

CHAPTER 382

An act to amend Section 12650 of the Vehicle Code, relating to drivers' licenses.

[Approved by Governor July 3, 1969 Filed with Secretary of State July 3, 1969]

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

SECTION 1. Section 12650 of the Vehicle Code is amended to read:

12650. (a) Any student over 15 years of age taking a course in automobile driver training, maintained pursuant to

Article 14 (commencing with Section 18251) of Chapter 3 of Division 14 of the Education Code, in a secondary school or enrolled in a driver training course offered by a private or parochial school of secondary level may apply to the principal of the school for a student license.

(b) The application shall be signed by the applicant before the principal of the school, or a staff member assigned to such duty. The application shall be accompanied by a statement signed by the parents or guardian or person having custody of the minor, consenting to the issuance of a student license to the students and accepting liability for civil damages arising out of the student driving a motor vehicle upon a highway as provided for in Division 9 (commencing with Section 17000) of this code.

CHAPTER 383

An act to add Section 3960 to, and to repeal Section 4300 of, the Fish and Game Code, relating to game mammals.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 3960 is added to the Fish and Game Code, to read:

3960. It is unlawful to permit or allow any dog to run, track, or trail any deer, antelope, or elk during the closed season.

SEC. 2. Section 4300 of the Fish and Game Code is repealed.

CHAPTER 384

An act to amend Section 5909 of the Vehicle Code, relating to transfer of vehicle.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 5909 of the Vehicle Code is amended to read:

5909. (a) Whenever the title or interest of any owner or legal owner in or to a vehicle registered under this code passes to another otherwise than by voluntary transfer the new owner or legal owner may obtain a transfer of registration upon application therefor and upon presentation of the

last certificate of ownership and registration card issued for the vehicle, if available, and any instruments or documents of authority or certified copies thereof as may be required by the department, or required by law, to evidence or effect a transfer of title or interest in or to chattels in such case.

(b) The department when satisfied of the genuineness and regularity of the transfer shall give notice by mail to the owner and legal owner of the vehicle as shown by the records of the department and five days after the giving of the notice, if still satisfied of the genuineness and regularity of such transfer, shall transfer the registration of the vehicle accordingly. Such notice shall not be required for a transfer described in Section 5601.

CHAPTER 385

An act relating to the San Mateo Junior College District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Notwithstanding any provision of law to the contrary, the appropriation of six hundred thirty-five thousand three hundred dollars ($635,300) made in subdivision (Y) of Item 332 of the Budget Act of 1967 (Chapter 500 of the Statutes of 1967) is hereby reappropriated for the purposes provided for in said appropriation, except that the appropriation shall be to the Board of Governors of the California Community Colleges, rather than the Department of Education, as required by Section 197 of the Education Code, and shall be available for expenditure until June 30, 1972. The facilities to be constructed are more particularly described as a science building and physical education facilities and related site works at Skyline College in the San Mateo Junior College District.

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

Skyline College in the San Mateo Junior College District is scheduled to open in September 1969, and it is necessary that work be completed on the science building and physical education facilities and related site works as quickly as possible. It is, therefore, necessary that this act take immediate effect.

CHAPTER 386

An act to amend Section 12510 of the Business and Professions Code, relating to weighing and measuring devices.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 12510 of the Business and Professions Code is amended to read:

12510. Any person, who by himself, or through or for another, does any of the following is guilty of a misdemeanor:

(a) Uses, in the buying or selling of any commodity, or retains in his possession a false weight or measure or weighing or measuring instrument.

(b) Sells any weight or measure or weighing or measuring instrument which has not been sealed within one year, except weighing or measuring instruments required to be assembled prior to use.

(c) Uses any condemned weight or measure or weighing or measuring instrument contrary to law.

(d) Uses in the buying or selling of any commodity, or for determining the charge for a service, any weight or measure or weighing or measuring instrument which is not kept at a fixed location, which does not bear a current or previous year's seal and which, upon test by the sealer is found to be incorrect, unless a written request for an inspection of the weighing or measuring instrument has been made to the county sealer; provided, however, the use of any weight or measure or weighing or measuring instrument used by a public utility in connection with measuring gas, electricity, water, steam, or communication service subject to the jurisdiction of the California Public Utilities Commission shall be exempt from the requirements of this chapter.

(e) Sells or uses any device or instrument to be used or calculated to falsify any weight or measure.

(f) So locates or positions a weighing or measuring device used in retail trade, except as used exclusively in preparation of packages put up in advance of sale, that its indications cannot be accurately read by the purchaser under ordinary circumstances.

(g) Uses, in the buying or selling of any commodity, a weighing or measuring device designed to automatically compute price unless the computed price is a true mathematical computation of the amount times the price per unit.

(h) Willfully and knowingly uses, in the buying or selling of any commodity, a measuring device designed to automatically compute price unless the indicators of quantity and the total computed price on such device shall have been returned

to zero prior to the beginning of each delivery of such commodity.

Possession of a false weight or measure or weighing or measuring instruments or records thereof is prima facie evidence of intention to violate the law.

CHAPTER 387

An act to amend Section 30740.5 of the Public Utilities Code, relating to rapid transit.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 30740.5 of the Public Utilities Code is amended to read:

30740.5. The board of directors or any officer or member or members thereof authorized by that body, or any individual voter or bona fide association, or any combination of voters and associations may file a written argument for or against any district bond or tax measure. No argument shall exceed 300 words in length. The county clerk of the County of Los Angeles shall cause an argument for and an argument against the measure to be printed and shall enclose a copy of both arguments printed on the same sheet of paper in an envelope with each sample ballot. The printed arguments are official matter within the meaning of those words as used in Section 10012 of the Elections Code. Based on the time reasonably necessary to prepare and print the arguments and sample ballots for that election, the clerk shall fix and determine a reasonable date prior to the election after which no argument for or against the measure may be submitted to him for printing and distribution to the voters, as provided in this section. Arguments may be changed until and including the date fixed by the clerk. If more than one argument for or more than one argument against any measure is submitted to the clerk within the time prescribed, the clerk shall select one of the arguments in favor and one of the arguments against the measure for printing and distribution to the voters. The arguments so selected shall be those of bona fide supporters or opponents of the measure.

For purposes of this section, "county clerk" means "registrar of voters."

CHAPTER 388

An act to amend Section 16409 of the Public Utilities Code, relating to public utility districts.

[Approved by Governor July 3, 1969. Filed with Secretary of State July 3, 1969.]

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

SECTION 1. Section 16409 of the Public Utilities Code is amended to read:

16409. For the purpose of obtaining and supplying water for domestic, irrigation, and fire protection purposes, a district may cooperate and contract with the United States and borrow or procure money from the United States in the same manner and under the same procedures as irrigation districts under Division 11, Part 6, Chapter 2 of the Water Code. Any district, in order to make payments to the United States under any contract between the district and the United States, may, in lieu, in whole or in part of levying assessments, fix and collect charges for the service of water by the district to any land. A district may charge higher rates for service of water to any landowner in the amount required to pay any interest costs charged to the district on any United States Bureau of Reclamation loan by reason of land held by such owner in excess of 160 acres.

CHAPTER 389

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

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

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

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

CHAPTER 390

An act to amend Sections 23753, 23755 and 24207 of the Education Code, relating to the state colleges.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 23753 of the Education Code is amended to read:

23753. Except as otherwise provided, the total tuition fees charged any student in a state college shall not exceed twenty-five dollars ($25) per year or twelve dollars and fifty cents ($12.50) per term.

SEC. 2. Section 23755 of the Education Code is amended to read:

23755. Any unmarried minor whose parent is in the active military service of the United States of America and is stationed in this state on the residence determination date, and any unmarried minor who is a bona fide resident of the State of California and is a dependent of a parent or guardian who is in the active military service of the United States of America but is stationed outside the continental limits of the United States on such residence determination date shall, for the purposes of Sections 23604 to 23607, inclusive, Sections 23751 to 23803, inclusive, Sections 24051 to 24102, inclusive, and Sections 24451 to 24453, inclusive, be deemed to be a resident of this state for the term for which he is registering. Any admission fee or rate of tuition required of such person shall not exceed the amount required of a resident student enrolled in the same courses as such person.

SEC. 3. Section 24207 of the Education Code is amended to read:

24207. The employment of any employee of the trustees, excepting those employees who on October 1, 1949, and on September 7, 1955, were members of the State Teachers' Retirement System, shall terminate on the first day of the calendar month next succeeding that in which he attains age 70, except as provided in this section.

An academic or administrative employee may elect to continue in active service until the end of the college term or academic year during which he retains age 70. An academic employee who reaches the age of 70 years, if mentally and physically sound, may be employed from year to year without tenure, for the good of the service, at the discretion of the trustees. The payment of retirement allowances by either the State Teachers' Retirement System or the State Employees' Retirement System, or both of said systems, to such a person employed from year to year shall be suspended during the period of such employment or reemployment

and such suspension shall not serve to reinstate such a person to membership in either of said systems. If a person should die during such a period of suspension, said systems shall pay any death benefits that would have been payable had the death not occurred during such a period. A period of suspension shall end on the last day of the month during which such employment or reemployment is terminated. Said systems shall then resume the payment of the retirement allowance to such a person without change from what it was at the beginning of the latest period of suspension except for any change in the provisions governing the calculation of the allowance which was made during said period and made applicable to persons then retired.

Any person over the age of 70 years who otherwise has the qualifications of an academic or administrative employee and who is not retired under the State Teachers' Retirement System or the State Employees' Retirement System, if mentally and physically sound, may be employed from year to year without tenure at the discretion of the trustees. Such employment shall not entitle him to become a member of nor serve to reinstate him as a member of either of said systems.

CHAPTER 391

An act to repeal Article 3 (commencing with Section 24320) of Chapter 9 of Division 18 of the Education Code, relating to state college employees.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Article 3 (commencing with Section 24320) of Chapter 9 of Division 18 of the Education Code is repealed.

CHAPTER 392

An act to amend Sections 239 and 1051 of, and to repeal Chapter 1 (commencing with Section 2501) of Part 2 of Division 1 of the, Public Utilities Code, relating to warehousemen.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 239 of the Public Utilities Code is amended to read:

239. "Warehouseman" includes:

(a) Every corporation or person owning, controlling, operating or managing any building or structure in which property, other than liquid petroleum commodities in bulk, and other than baled cotton, is regularly stored for compensation within this state, in connection with or to facilitate the transportation of property by a common carrier or vessel, or the loading or unloading of property, other than liquid petroleum commodities in bulk, and other than a dock, wharf, or structure, owned, operated, controlled, or managed by a wharfinger.

(b) Every corporation or person owning, controlling, operating, or managing any building, structure, or warehouse, in which merchandise, other than secondhand household goods or effects, and other than liquid petroleum commodities in bulk, and other than baled cotton, and other than merchandise sold but retained in the custody of the vendor, is stored for the public or any portion thereof, for compensation, within this state, except warehouses conducted by any nonprofit, cooperative association or corporation which is engaged in the handling or marketing of the agricultural products of its members and warehouses conducted by the agents, individual or corporate, of such associations or corporations, while acting within the limitations imposed by law on their principals

(c) Every corporation or person owning, controlling, operating or managing any building, structure, warehouse, elevator, or plant in which food commodities, received from the public or any portion thereof, are stored for compensation, including cold storage plants and refrigerating plants, but not including private homes, hotels, restaurants, or exclusively retail establishments, or others not storing articles of food for other persons for compensation. "Food commodities" means all products, stuffs, preparations, substances, or articles which are customary or proper for food for human beings, and includes meat and meat products, fruit, vegetables, fresh fish, shellfish, game, poultry, eggs, butter, cheese, and milk.

SEC. 2. Section 1051 of the Public Utilities Code is amended to read:

1051. No warehouseman shall begin to operate any business of a warehouseman, as defined in subdivisions (b) or (c) of Section 239, without first having obtained from the commission a certificate declaring that public convenience and necessity require or will require the transaction of business by such warehouseman. No such warehouseman shall add to, extend, or otherwise increase his storage or warehouse floorspace by more than 50,000 square feet, without first having obtained from the commission a certificate declaring that public convenience and necessity require or will require such addition or extension or increase of such storage or warehouse floorspace, except that any warehouseman may without securing such certificate, extend or increase his storage or warehouse floorspace for the sole and exclusive purpose of storing therein the goods.

wares, and merchandise owned by the lessor or owner of the building or premises in which the additional or increased storage or warehouse floorspace is situated.

SEC. 3. Chapter 1 (commencing with Section 2501) of Part 2 of Division 1 of the Public Utilities Code is repealed.

CHAPTER 393

An act to amend Section 35716 of the Vehicle Code, relating to vehicles.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 35716 of the Vehicle Code is amended to read:

35716. No ordinance adopted by a city to decrease weight limits shall apply to any vehicle owned, leased, operated or controlled by any licensed contractor while necessarily in use in the construction, maintenance, or repair of a public works project, or by any highway carrier regulated by the Public Utilities Commission while transporting any materials to or from a public works project, when the bids were opened prior to the adoption of the ordinance unless an alternate direct route is provided substantially within and by the city enacting the ordinance.

CHAPTER 394

An act to amend Section 9538 of the Business and Professions Code, relating to cleaning industry.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 9538 of the Business and Professions Code is amended 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 cause the seller to be liable to the buyer for any expense or damage caused by such failure.

CHAPTER 395

An act to add the heading of Article 3 (commencing with Section 5021) of Chapter 1 of Division 6, and to amend Section 25515, of the Education Code, relating to the public schools.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. The heading of Article 3 (commencing with Section 5021) of Chapter 1 of Division 6 of the Education Code is added, to read:

Article 3. Location of Schools

SEC. 2. Section 25515 of the Education Code is amended to read:

25515. The course of study for grades 11 and 12 of a four-year junior college shall be designed to meet the needs of pupils of the 11th and 12th grades of the public schools and shall be designed to meet the requirements of Article 3 (commencing with Section 8571) of Chapter 3 of Division 7 so that upon completion of grade 12 any pupil will have completed the courses required by that article.

CHAPTER 396

An act to amend Section 3672 of, and to add Section 3632.5 to, the Corporations Code, relating to corporations.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 3632.5 is added to the Corporations Code, to read:

3632.5. If the bylaws of a nonstock corporation so provide, any member action required for the adoption of amendments to the articles of incorporation may be taken, instead, by the vote or written consent of at least two-thirds of the members of a policymaking committee created by the members of the corporation to represent and act for the corporation members in this matter, with or without authority to represent and act for the corporation members in other matters. Only members of the corporation shall serve on such committee.

SEC. 2. Section 3672 of the Corporations Code is amended to read:

3672. In the case of amendments adopted after the issuance of shares or while any subscription to shares is outstanding

prior to the issuance of any shares or after members other than the incorporators have been admitted by a nonstock corporation, the certificate shall be signed by the president or a vice president and the secretary or an assistant secretary, and 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 the following:

(a) If the amendment is one for the adoption of which a resolution of the board of directors alone is required, a copy of the resolution of the board of directors.

(b) If the amendment is one for the adoption or approval of which the vote or consent of the shareholders or members alone is required, a copy of the resolution adopting the amendment; the time and place of the meeting at which the resolution was adopted, and the number of shares or members voting in favor of the resolution; or if approval was by written consent, a copy of the form of written consent; the number of shares or members consenting; and in either case, the total number of shares entitled to vote on or consent to the amendment, or, in the case of a nonstock corporation, the number of members constituting a quorum, except that in the case of nonstock corporations having members with unequal voting power the certificate shall state that fact and shall state the total number of votes entitled to be voted for or to consent to the amendment and the number of votes cast for or consenting to the amendment; and, except further, that if the member approval was given by a policymaking committee created by the members pursuant to Section 3632.5, to represent and act for the members in the matter, the certificate shall state that fact and shall state the number of committee members voting for or consenting to the amendment and the total number of committee members entitled to vote on or consent to the amendment.

(c) If the amendment is one which is required to be adopted by the vote of different classes of shares, the total number of outstanding shares of each class and the number of shares of each class consenting to or voting in favor of the resolution amending the articles.

(d) If the holders of any class of shares or memberships are entitled to more or less than one vote per share or membership, the total number of votes entitled to be cast or to be represented by written consents and the total number of votes cast in favor of the proposed amendment or represented by the written consents thereto.

(e) If the amendment is one for the adoption of which the approval of both the board of directors and the shareholders or members is required, the certificate shall set forth the matter required by subdivision (a) and the matter required by subdivisions (c) and (d) if applicable. The certificate shall also set forth the matter required by subdivision (b), except that it need not set out a copy of the shareholders' resolution or written consent adopting the amendment, but in lieu thereof

the certificate shall state that the wording of the amended article or articles as set forth in the shareholders' resolution or written consent is the same as that set forth in the directors' resolution.

CHAPTER 397

An act to repeal Section 6768 of the Business and Professions Code, relating to engineering.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 6768 of the Business and Professions Code is repealed.

CHAPTER 398

An act to add Article 2.7 (commencing with Section 21655) to Chapter 4 of Part 1 of Division 9 of, and to repeal Sections 21258, 21641, 21642, 21643, 21644 and 21645 of, the Public Utilities Code, relating to airports.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 21258 of the Public Utilities Code is repealed.

SEC. 2. Section 21641 of the Public Utilities Code is repealed.

SEC. 3. Section 21642 of the Public Utilities Code is repealed.

SEC. 4. Section 21643 of the Public Utilities Code is repealed.

SEC. 5. Section 21644 of the Public Utilities Code is repealed.

SEC. 6. Section 21645 of the Public Utilities Code is repealed.

SEC. 7. Article 2.7 (commencing with Section 21655) is added to Chapter 4 of Part 1 of Division 9 of the Public Utilities Code, to read:

Article 2.7. Regulation of Obstructions

21655. Notwithstanding any other provision of law, if the proposed site of any state building or other enclosure is within two miles, measured by air line, of that point on an airport boundary which is nearest the site, the state agency or office which proposes to construct the building or other enclosure shall, before acquiring title to property for the new state

building or other enclosure site or for an addition to a present site, notify the Department of Aeronautics, in writing, of the proposed acquisition. The department shall investigate the proposed site and, within 25 days after receipt of the notice, shall submit to the state agency or office which proposes to construct the building or other enclosure a written report of the investigation and its recommendations concerning acquisition of the site.

If the report of the department does not favor acquisition of the site, no state funds shall be expended for the acquisition of the new state building or other enclosure site, or the expansion of the present site, or for the construction of the state building or other enclosure, provided that the provisions of this section shall not affect title to real property once it is acquired.

21656. No person shall erect or add to the height of any structure within the boundaries of this state which will result in a structure that extends more than 500 feet above the ground on which such structure rests until a permit therefor has been issued for such purpose by the department. This section is not applicable to the construction of any structure if the Federal Communications Commission is required to approve the height of the structure or if the height of the structure is required to be approved under the Federal Aviation Act of 1958 (Public Law 85-726; 72 Stat. 731).

21657. The department may refuse issuance of a permit under Section 21656 if it determines, after notice and hearing held pursuant to this part, that the erection of or addition to a structure would obstruct the airspace overlying the state so as to create an unsafe condition for the flight of aircraft.

Any person aggrieved by the action of the department pursuant to this section may have such action reviewed by the courts in a manner provided by law.

21658. After the effective date of this section, no public utility shall construct any pole, pole line, distribution or transmission tower or tower line, or substation structure in the vicinity of the exterior boundary of an aircraft landing area of any airport open to public use, in such a location with respect to such airport and at such a height as to constitute an obstruction to air navigation, as an obstruction is defined in accordance with Part 77 of the Federal Aviation Regulations, Federal Aviation Administration, Department of Transportation, or any corresponding rules or regulations of the Federal Aviation Agency, unless the Federal Aviation Agency has determined that such pole, line, tower, or structure does not constitute a hazard to air navigation. This section shall not apply to existing poles, lines, towers, or structures or to the repair, replacement, or reconstruction thereof if the original height is not materially exceeded and this section shall not ap-

ply unless just compensation shall have first been paid to the public utility by the owner of any such airport for any property or property rights which would be taken or damaged hereby.

21659. After the effective date of this section, no person shall construct any structure or permit any natural growth to grow within one statute mile of the exterior boundary of any airport open to public use at such height as to constitute a hazard to air navigation, as a hazard to air navigation is defined in accordance with Part 77 of the Federal Aviation Regulations of the Federal Aviation Administration, Department of Transportation, unless a permit allowing such construction or growth is issued by the department, provided, however, that such permit shall not be required if the Federal Aviation Administration has determined that such construction or growth does not constitute a hazard to air navigation or would not create an unsafe condition for air navigation; and provided further, however, that this section shall not apply to a pole, pole line, distribution or transmission tower or tower line, or substation of a public utility. The foregoing exceptions to this section shall continue, however, to be subject to the provisions of Section 21658.

21660. The department may refuse issuance of a permit under Section 21659 if it determines, after notice and hearing held pursuant to this part, that the construction of the structure or growth of the natural growth would constitute a hazard to air navigation or create an unsafe condition for air navigation.

Any person aggrieved by the action of the department pursuant to this section may have such action reviewed by the courts in the manner provided by law.

CHAPTER 399

An act to amend Section 2985.6 of the Civil Code, relating to real property sales contracts.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 2985.6 of the Civil Code is amended to read:

2985.6. A buyer shall be entitled to prepay all or any part of the balance due on any real property sales contract with respect to the sale of land which has been subdivided into a residential lot or lots which contain a dwelling for not more than four families. This section shall apply only to such contracts entered into on or after January 1, 1969.

Any waiver by the buyer of the provisions of this section shall be deemed contrary to public policy and shall be unenforceable and void; provided, however, that any such waiver shall in no way affect the validity of the remainder of the contract.

CHAPTER 400

An act to add Sections 1584.5 and 1584.6 to the Civil Code, relating to transfer of property.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 1584.5 is added to the Civil Code, to read:

1584.5. No person, firm, partnership, association or corporation, or agent or employee thereof, shall, in any manner, or by any means, offer for sale goods, wares, or merchandise, where the offer includes the voluntary and unsolicited sending of such goods, wares, or merchandise not actually ordered or requested by the recipient, either orally or in writing. The receipt of any such goods, wares, or merchandise shall for all purposes be deemed an unconditional gift to the recipient who may use or dispose of such goods, wares, or merchandise in any manner he sees fit without any obligation on his part to the sender.

If after any such receipt deemed to be an unconditional gift under this section, the sender continues to send bill statements or requests for payment with respect thereto, an action may be brought by the recipient to enjoin such conduct, in which action there may also be awarded reasonable attorneys' fees and costs to the prevailing party.

SEC. 2. Section 1584.6 is added to the Civil Code, to read:

1584.6. If a person is a member of an organization which makes retail sales of any goods, wares, or merchandise to its members, and the person notifies the organization of his termination of membership by certified mail, return receipt requested, any unordered goods, wares, or merchandise which are sent to the person after 30 days following execution of the return receipt for the certified letter by the organization, shall for all purposes be deemed unconditional gifts to the person, who may use or dispose of the goods, wares, or merchandise in any manner he sees fit without any obligation on his part to the organization.

If the termination of a person's membership in such organization breaches any agreement with the organization, nothing in this section shall relieve the person from liability for damages to which he might be otherwise subjected to pursuant to law, but he shall not be subject to any damages with respect

to any goods, wares, or merchandise which are deemed unconditional gifts to him under this section

If after any receipt deemed to be an unconditional gift under this section, the sender continues to send bill statements or requests for payment with respect thereto, an action may be brought by the recipient to enjoin such conduct, in which action there may also be awarded reasonable attorneys' fees and costs to the prevailing party.

CHAPTER 401

An act to amend Section 12030 of the Penal Code, relating to firearms.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 12030 of the Penal Code is amended to read:

12030. The officer having custody of any firearms which may be useful to the State Guard, the Coast Guard Auxiliary or to any military or naval agency of the federal or state government may upon the authority of the legislative body of the city, city and county, or county by which he is employed and the approval of the Adjutant General of the state deliver such firearms to the commanding officer of a unit of the State Guard, the Coast Guard Auxiliary or any other military agency of the state or federal government in lieu of destruction as required by this chapter. The officer delivering the firearms shall take a receipt for them containing a complete description thereof and shall keep the receipt on file in his office as a public record.

Any law enforcement agency which has custody of any firearms or any parts of any firearms which are subject to destruction as required by this chapter may, in lieu of destroying such weapons, retain and use any of them as may be useful in carrying out the official duties of such agency, or may turn over to the criminalistics laboratory of the Bureau of Criminal Identification and Investigation or the criminalistics laboratory of a police department, sheriff's office or district attorney's office any such weapons as may be useful in carrying out the official duties of their respective agencies

Any firearm or part of any firearm which, rather than being destroyed is used for official purposes pursuant to this section shall be destroyed by the agency using such weapon when it is no longer needed by the agency for use in carrying out its official duties.

Any law enforcement agency that retains custody of any firearm pursuant to this section or that destroys a firearm pur-

suant to Section 12028 shall notify the Bureau of Criminal Identification and Investigation of such retention or destruction. This notification shall consist of a complete description of each firearm, including the name of the manufacturer or brand name, model, caliber, and serial number

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CHAPTER 402

An act to amend Sections 310 and 321 of the Elections Code, relating to voter registration.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 310 of the Elections Code is amended to read:

310. The affidavit of registration shall show:

(a) The facts necessary to establish the affiant as an elector.

(b) Affiant's name at length, including his given name, and a middle name or initial, or if the initial of his given name is customarily used, then the initial and middle name. The given name of a woman shall be preceded in all cases by the designation of Miss or Mrs.

(c) Affiant's place of residence and post office address with sufficient particularity to identify it and to determine affiant's voting precinct.

(d) Affiant's social security number. If his social security number is not immediately available, the affiant may mail the number to the county clerk on an addressed postcard provided for that purpose. Notwithstanding this section or Section 321, no person shall be denied the right to register because of his failure to furnish his social security number.

(e) Affiant's occupation.

(f) The country or state of affiant's birth.

(g) If foreign born, how citizenship was acquired, whether by:

(1) Citizenship of father.

(2) Treaty or act of Congress.

(3) Order of a court of naturalization.

(4) Marriage to a citizen.

(5) Naturalization of a parent or husband.

The place where the affiant became a citizen shall be stated except in the case of citizenship acquired by citizenship or naturalization of parents, by treaty, or by act of Congress When citizenship depends upon the citizenship or naturalization of a parent or husband, the name of the parent or husband shall be stated.

(h) Whether the elector is able to read the Constitution in the English language and to write his name, and whether the elector has any physical disability by reason of which he

cannot mark the ballot, in which case the nature of such disability shall be stated.

(i) That the affiant is not disqualified to vote by reason of a felony conviction.

The affiant shall sign the affidavit with his name at length, including given name, middle name or initial, or initial and middle name, and if he is unable to write he shall sign with a mark or cross, and the person before whom the affidavit is made shall insert the date of the affidavit, which shall be the date of the jurat.

SEC. 2. Section 321 of the Elections Code is amended to read:

321. Subject to the provisions of this chapter, the body of the affidavit of registration shall be substantially in the following form:

For transfer or change of name	I am registered under the name of _____ in _____ Assembly District, _____ precinct in said county and request that said registration be canceled.

AFFIDAVIT OF REGISTRATION

State of California, }
County of (_____) } ss.

The undersigned affiant, being duly sworn, says: I will be at least 21 years of age at the time of the next succeeding election, a citizen of the United States 90 days prior thereto, and a resident of the state one year, of the county 90 days, and of the precinct 54 days next preceding such election, and will be an elector of this county at the next succeeding election.

1. I am not now registered as a voter in this state. (If now registered in this county under this or another name, mark out word "not" and fill out transfer clause at top. If now registered in another county, mark out word "not" and execute a separate affidavit of cancellation before registering.)

2. My full name is _____ (including Christian or given name, and middle name or initial and in case of women, the prefix Miss or Mrs.).

3. My residence is _____ between _____ and _____ Streets, _____ floor, Room ___.

4. My social security number is _____ (may be omitted).

5. My occupation is _____.

6. My height is _____ feet _____ inches.

7. I was born in _____.
(State or country)

8. I acquired citizenship by (underline method of acquiring citizenship):

a. Decree of court.
b. { Father's naturalization. / Mother's naturalization.
c. Citizenship of father.
d. Marriage to a citizen.
e. Naturalization of my husband.
f. Act of Congress.
g. Treaty.

Where { city / state } ----------

My { father's / husband's / mother's } name is (was) ----------

(To be filled out when citizenship depends on citizenship or naturalization of parent or husband.)

9. I can -------- read the Constitution in the English language; I can -------- write my name; I am entitled to vote by reason of having been on October 10, 1911, an elector. I can -------- mark my ballot by reason of -------- (State physical disability, if any.)

10. I intend to affiliate at the ensuing primary election with the -------- Party. (If affiliation is not given, write or stamp "Declines to state.")

11. I am not disqualified to vote by reason of a felony conviction.

(Affiant sign here.)

Residence ----------

Subscribed and sworn to before me this -------- day of --------, 19--.

County Clerk.

By ----------
Deputy County Clerk.

Assembly District --------
Post office address is -------- Precinct --------
Rural Route No. -------- Box No. --------

CHAPTER 403

An act to amend Sections 11911, 11912, and 11913 of the Health and Safety Code, relating to restricted dangerous drugs.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 11911 of the Health and Safety Code is amended to read:

11911. 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 for sale any restricted dangerous drug shall be punished by imprisonment in the state prison for not less than two years 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 two years in prison.

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 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 5 years nor more than 15 years, and shall not be eligible for release upon completion of sentence, or parole, or any other basis until he has served not less than three years in prison.

If such a person has been previously two or more times 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 two or more times convicted 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 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 from 10 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 six years in prison.

SEC. 2. Section 11912 of the Health and Safety Code is amended to read:

11912. Except as otherwise provided in Article 8 (commencing with Section 4210), Chapter 9, Division 2 of the Business and Professions Code, every person who transports, imports into this state, sells, manufactures, compounds, furnishes, administers, or gives away, or offers to transport, import into this state, sell, manufacture, compound, furnish, administer or give away, or attempts to import into this state or transport 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 state prison from 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 three 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 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 from 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.

If such a person has been previously convicted two or more times 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 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 be 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 a state prison from 10 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 10 years in prison.

SEC. 3. Section 11913 of the Health and Safety Code is amended to read:

11913. Every person of the age of 21 years or over who violates any provision involving restricted dangerous drugs in this chapter by use of a minor as agent, or who solicits, induces, encourages or intimidates any minor with the intent that said minor shall violate any provision of this chapter involving restricted dangerous drugs, or who unlawfully furnishes, offers to furnish or attempts to furnish restricted dangerous drugs to a minor shall be punished by imprisonment in the state prison from 10 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.

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 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 im-

prisoned in the state prison from 10 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 10 years in prison.

If such a person has been previously convicted two or more times 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 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 from 15 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 15 years in prison.

Nothing contained in this section shall apply to a registered pharmacist furnishing such drugs pursuant to a prescription.

CHAPTER 404

An act to amend Sections 2743, 2755, 2762, 2765, 2767 and 2769.5 of the Public Utilities Code, relating to air carriers.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 2743 of the Public Utilities Code is amended to read:

2743. The provisions of this chapter do not apply to those operations of common carriers of passengers by aircraft within this state which are furnished pursuant to a current certificate of public convenience and necessity issued by the federal government.

SEC. 2. Section 2755 of the Public Utilities Code is amended to read:

2755. The rights conferred by a certificate issued pursuant to Section 2754, 2754.1 or 2757 may not be revoked or suspended absent a finding by the commission, after notice and hearing, that the holder has abandoned such rights, or is no longer able to perform all or part of the certificated services, or to conform to the law and to the rules and regulations of the commission.

SEC. 3. Section 2762 of the Public Utilities Code is amended to read:

2762. Unless prohibited by the terms and conditions of any certificate that may be involved, any one passenger air carrier

may establish through routes and rates, charges, and classifications between any and all points served by it under any and all certificates or operative rights issued to or possessed by it.

SEC. 4. Section 2765 of the Public Utilities Code is amended to read:

2765. The commission shall have the power to suspend and enforce the suspension of certificates of public convenience and necessity, issued by the commission, upon a finding by any agency of the federal government that a passenger air carrier is operating in violation of any federal safety law or regulation.

SEC. 5. Section 2767 of the Public Utilities Code is amended to read:

2767. Upon application by a passenger air carrier or other interested party, the commission may, following a determination of necessity, exempt the passenger air carrier from the certificate provisions of Sections 2752, 2754 and 2754.1 upon a finding that such provisions impose an undue burden upon the carrier, a community, or area because of the immediate need for service including, but not limited to, conditions of national emergency, natural disaster or cessation of existing service by another carrier, except a cessation of existing service caused by a labor dispute, and that enforcement of such provisions would be contrary to the public interest. Exemptions issued pursuant to this section may be issued for a maximum of 90 days and may be renewed for the same or a lesser period.

SEC. 6. Section 2769.5 of the Public Utilities Code is amended to read:

2769.5. No passenger air carrier shall discontinue operations between any two or more terminals without authority of the commission, unless such operations are unprofitable. Unprofitable operations may be discontinued upon 60 days' notice to the commission, and to such other persons as the commission may require, unless within such 60-day period the commission, after hearing, makes a finding that such operation is not unprofitable and orders its continuance.

CHAPTER 405

An act to add Section 172l to the Penal Code, relating to intoxicating liquors.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 172*l* is added to the Penal Code, to read:

172*l*. The provisions of Section 172a shall not apply to the sale or offering for sale of any intoxicating liquor on the prem-

ises of, and by the holder or agent of a holder of, a retail off-sale license, as defined in Section 23394 of the Business and Professions Code, outside one mile of the closest building of the Claremont Colleges to these premises.

Distance provided in this section shall be measured not by airline but by following the shortest road or roads connecting the points in question.

CHAPTER 406

An act to amend Section 704 of the Harbors and Navigation Code, relating to boat owner civil liability.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. 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 either 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, or

(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.

CHAPTER 407

An act to add Section 7.8 to the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944, Second Extraordinary Session), relating to the Ventura County Flood Control District.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 7.8 is added to the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944, Second Extraordinary Session), to read:

Sec. 7.8. In addition to the powers specified in Sections 7, 7.1, 7.5 and 7.7 of this act, the district shall have the power to install and maintain landscaping in connection with any flood control or storm drainage facility or work of improvement within the district or any zone of the district. Funds for installation or maintenance of such landscaping may be derived from ad valorem taxes or assessments levied pursuant to Section 12 or fees and charges collected pursuant to Section 7.1. It is hereby declared that for the purposes of any tax or assessment levied under subdivision 2 of Section 12 of this act for landscaping of special benefit to any zone of the district, the property so taxed or assessed is equally benefited. In regard to any flood control or storm drainage facility or work of improvement for which bonds are hereafter voted under the provisions of this act, the proceeds of such bonds may be used for installation of such landscaping. In no event shall the district expend funds, regardless of from what source or sources derived, for installation of landscaping in connection with any flood control or storm drainage facility or work of improvement in excess of 3 percent of the costs of construction of such facility or work of improvement.

CHAPTER 408

An act to add Section 14671.5 to the Government Code, relating to the lease of state property, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 14671.5 is added to the Government Code, to read:

14671.5 In addition to any other provision of law granting authority to the Director of General Services to enter into leases of state property, the Director of General Services, with the consent of any state agency having jurisdiction thereof, may lease for a term not to exceed thirty (30) years any real property which belongs to the state, provided that the lessee is required to construct on the premises a parking structure for the use of the state during the term thereof, and the title to such facilities shall vest in the state at the expiration of said term or earlier. Such lease may contain such other terms and conditions as the Director of General Services may deem to be in the best interests of the state.

Any project proposed to be constructed under the provisions of this section which was not authorized by the Legislature at the time the acquisition of the real property was authorized, shall not be undertaken unless authorized by the Legislature.

SEC. 2. Construction of a parking structure on state-owned land adjacent to the Junipero Serra Building in Los Angeles pursuant to Government Code Section 14671.5 is hereby authorized by the Legislature.

SEC. 3. Construction of a parking structure on state-owned land on one of the blocks known as Block 203, Block 206, Block 212, or Block 265, Sacramento, pursuant to Government Code Section 14671.5 is hereby authorized by the Legislature.

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:

Certain leases for parking in the redevelopment area near the Los Angeles Civic Center are being canceled in the immediate future. It is necessary to replace these leases with a parking structure constructed under the provisions of this measure.

CHAPTER 409

An act to add Section 13169 to, and to add Article 3 (commencing with Section 13030) to Chapter 3 of Division 7 of, the Water Code, relating to water quality.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Article 3 (commencing with Section 13030) is added to Chapter 3 of Division 7 of the Water Code, to read:

Article 3. Regulation of Oil Cleanup Activities

13030. The state board may adopt regulations governing the testing, licensing and use of any chemical, or any other substance, for removing, dispersing or otherwise cleaning up oil or any residuary product of petroleum in or on any of the waters of the state. Such regulations shall be adopted in conformity, as nearly as practicable, with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code.

13031. The state board may establish a schedule of fees to cover the cost of testing and licensing the use of any substance for the purposes specified in Section 13030, to be paid by the applicant for licensing of any such substance.

13032. The proper use of any such substance in accordance with the state board's regulations shall be supervised and enforced by the Department of Fish and Game. The user shall pay to the Department of Fish and Game the cost of such supervisory and enforcement services and all related administra-

tive and incidental costs, as computed by that department, within 30 days after billing. Deputies of the Department of Fish and Game shall have all the powers and authority of a peace officer to make arrests for violations of regulations adopted by the state board pursuant to this article.

13033. Any person who uses any chemical or other substance in violation of any regulation adopted by the state board pursuant to this article shall be guilty of a misdemeanor. Each day's continuance of such violation shall constitute a separate offense.

SEC. 2. Section 13169 is added to the Water Code, to read:

13169. (a) The state board may adopt regulations governing the testing, licensing and use of any chemical, or any other substance, for removing, dispersing or otherwise cleaning up oil or any residuary product of petroleum in or on any of the waters of the state. Such regulations shall be adopted in conformity, as nearly as practicable, with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code.

(b) The state board may establish a schedule of fees to cover the cost of testing and licensing the use of any substance for the purposes specified in subdivision (a), to be paid by the applicant for licensing of any such substance.

(c) The proper use of any such substance in accordance with the state board's regulations shall be supervised and enforced by the Department of Fish and Game The user shall pay to the Department of Fish and Game the cost of such supervisory and enforcement services and all related administrative and incidental costs, as computed by that department, within 30 days after billing. Deputies of the Department of Fish and Game shall have all the powers and authority of a peace officer to make arrests for violations of regulations adopted by the state board pursuant to this section.

(d) Any person who uses any chemical or other substance in violation of any regulation adopted by the state board pursuant to this section shall be guilty of a misdemeanor. Each day's continuance of such violation shall constitute a separate offense.

SEC. 3. Section 2 of this act shall become operative only if Assembly Bill No. 413 is enacted by the Legislature at its 1969 Regular Session, and in such case at the same time as Assembly Bill No. 413 becomes operative; at which time Article 3 (commencing with Section 13030) of Chapter 3 of Division 7 of the Water Code as added by Section 1 of this act is repealed.

CHAPTER 410

An act to add Section 172.7 to the Penal Code, relating to intoxicating liquors.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 172.7 is added to the Penal Code, to read:

172.7. The provisions of Section 172a shall not apply to the sale, gift, or exposing or offering for sale of alcoholic beverages by a licensee under the Alcoholic Beverage Control Act within the premises occupied by any bona fide club which is situated within one mile of the campus of Whittier College in the City of Whittier, Los Angeles County, provided the club meets all the following requirements:

(a) The club shall have been organized and have existed in Los Angeles County for not less than 10 years continuously.

(b) The club shall have a bona fide membership of not less than 350 persons.

(c) The club shall own the premises which it occupies.

CHAPTER 411

An act to amend Section 12024.5 of the Business and Professions Code, relating to weights and measures.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 12024.5 of the Business and Professions Code is amended to read:

12024.5. It shall be unlawful for any person to sell or advertise for sale any dressed poultry or any other fowl or rabbit in dressed form, either cooked or uncooked, or smoked, fresh, frozen, cooked, dried, or pickled meats or fish other than by weight determined at the time of sale on a scale properly sealed in accordance with the provisions of this division. Any commodity specified in this section, however, need not be weighed at time of sale if at that time it is packed in a package or container upon which appears the net weight of the commodity therein. Except as provided below, any person, including but not limited to a manufacturer, processor, packer, wholesaler, or jobber that packs any commodity specified in this section in any package which is intended for retail sale, shall mark the net weight of the commodity therein upon the package. Packages of such products intended for retail sale

need not be marked by the packer with the net weight of the commodity if they are to be marked with the net weight of the commodity by the retailer who purchases or receives such packages from the packer, provided that a written statement signed by both the packer and the retailer, on a form approved by the director, stating that the net weight of the commodity will be marked on the package by the retailer is on file at the offices of both the packer and retailer. Such written statement shall be made available to the weights and measures official for inspection upon request. The provisions of this section do not apply to any commodity sold or offered for sale with other foods as part of a prepared meal or to any commodity, sold or offered for sale by a restaurant as defined in Section 28522 of the Health and Safety Code, cooked or heated for immediate consumption on or off the premises.

CHAPTER 412

An act to amend Section 26207 of the Government Code, relating to rewards for apprehension and conviction of criminals.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 26207 of the Government Code is amended to read:

26207. The board of supervisors may offer and pay rewards, payable from county funds, for the furnishing of information leading to the apprehension and conviction of persons who willfully destroy or damage property of the county or who commit within the county criminal acts against the person or residence of a public officer or employee.

CHAPTER 413

An act to add Section 6241.1 to the Harbors and Navigation Code, relating to port districts.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 6241.1 is added to the Harbors and Navigation Code, to read:

6241.1. Port districts in Ventura County shall be governed by a board of port commissioners consisting of five members appointed by the mayor of the municipal corporation in the district, with the approval of the city council. The chairman

of the board shall be elected by the commissioners for a term of two years. An auditor shall be appointed by the board with the approval of the city council. Terms of incumbent commissioners holding office on the effective date of this section shall not be affected hereby, but their successors shall be appointed as provided herein.

SEC. 2. The Legislature hereby finds and declares that facts and circumstances exist in Ventura County peculiar to that county which necessitate the special provisions provided by this act for appointing port commissioners including, but not limited to, the general location of the port district therein, the composition and government of other harbor facilities therein, the concentration of population, area, and assessed valuation of the port district within one city, and the extremely rapid changes in population distribution within the county and city.

CHAPTER 414

An act to amend Section 74950 of, and to repeal Section 74953 of, the Water Code, relating to districts governed by the Water Conservation District Law of 1931.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 74950 of the Water Code is amended to read:

74950. The district may issue negotiable promissory notes bearing interest at a rate not exceeding 7 percent per annum; provided, however, that said notes shall be general obligations of the district payable from revenues and assessment taxes, unless paid from other available funds of the district, in the same manner as bonds of said district; and provided, further, that the maturity of said notes shall not be later than five years from the date thereof and the total aggregate amount of such notes outstanding at any one time shall not exceed the lesser of 2 percent of the assessed valuation of the taxable property in the district, according to the last assessment roll or three hundred fifty thousand dollars ($350,000); and provided, further, that a district which has been formed for less than 18 months may borrow not exceeding twenty-five thousand dollars ($25 000).

SEC. 2. Section 74953 of the Water Code is repealed.

CHAPTER 415

An act to add Sections 54930.2, 54931.1 and 54937 to the Government Code, relating to local agencies, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 54930.2 is added to the Government Code, to read:

54930.2. Notwithstanding the provisions of Sections 54902 and 54903, any maintenance district organized prior to May 1, 1969, pursuant to the provisions of the Stockton Improvement Procedures Code, Ordinance No. 1395-CS, Part V, Chapter 9, Stockton Municipal Code, may levy taxes for the fiscal year commencing on July 1, 1969, provided the statement of boundaries and map are filed on or before May 15, 1969.

SEC. 2. Section 54931.1 is added to the Government Code, to read:

54931.1. Notwithstanding the provisions of Sections 54902 and 54903, any maintenance district organized pursuant to the provisions of Chapter 26 (commencing with Section 5820) of Part 3 of Division 7 of the Streets and Highways Code prior to May 1, 1969, shall be effective for assessment and taxation purposes if the statement and map or plat required by Sections 54900 and 54901 is filed by the district on or before May 15, 1969.

SEC. 3. Section 54937 is added to the Government Code, to read:

54937. Notwithstanding any other provisions of this chapter, any creation of a county waterworks district organized pursuant to the County Waterworks District Law (Division 16 (commencing with Section 55500) of the Water Code) which was completed prior to January 1, 1969, shall be effective for assessment and taxation purposes for the fiscal year commencing July 1, 1969, if the statement and map or plat required by Government Code Sections 54900, 54902 and 54903 were filed with the State Board of Equalization and assessor on or before April 15, 1969.

SEC. 4. 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:

This act will permit county waterworks districts which were organized prior to January 1, 1969, and maintenance districts which were organized prior to May 1, 1969, to levy taxes for the fiscal year commencing on July 1, 1969. In order that this act may take effect in time for such districts to assess and levy

taxes by July 1, 1969, it is essential that it go into effect immediately.

SEC. 5. Section 1 of this act is necessary since special facts and circumstances applicable to maintenance districts organized prior to May 1, 1969, pursuant to the provisions of the Stockton Improvement Procedures Code, and not generally applicable, make the accomplishment of this purpose impossible by any general law. Special legislation is therefore necessary applicable to such districts only. The special facts are as follows:

CHAPTER 416

An act to amend Section 31462 of the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 31462 of the Government Code is amended to read:

31462. "Final compensation" means the average annual compensation earnable by a member during any three years elected by a member at or before the time he files an application for retirement, or, if he fails to elect, during the three years immediately preceding his retirement. If a member has less than three years of service, his final compensation shall be determined by dividing his total compensation by the number of months of service credited to him and multiplying by 12.

CHAPTER 417

An act to amend Section 21752 of the Vehicle Code, relating to vehicles.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 21752 of the Vehicle Code is amended to read:

21752. No vehicle shall be driven to the left side of the roadway under the following conditions:

(a) When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.

(b) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct, or tunnel.

(c) When approaching within 100 feet of or when traversing any intersection or railroad grade crossing.

This section shall not apply upon a one-way roadway.

CHAPTER 418

An act to amend Section 21460.5 of the Vehicle Code, relating to vehicles.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 21460.5 of the Vehicle Code is amended to read:

21460.5. (a) The Department of Public Works and local authorities in their respective jurisdictions may designate a two-way left-turn lane on a highway. A two-way left-turn lane is a lane near the center of the highway set aside for use by vehicles making left turns in both directions from or into the highway.

(b) Two-way left-turn lanes shall be designated by distinctive roadway markings consisting of parallel dashed double yellow lines on each side of the lane. The Department of Public Works may determine and prescribe standards and specifications governing length, width, and positioning of the distinctive pavement markings in accordance with the procedures set forth in the Administrative Procedure Act (commencing with Section 11370 of the Government Code). On and after January 1, 1967, pavement markings designating a two-way left-turn lane shall conform to such standards and specifications.

(c) A vehicle shall not be driven in a designated two-way left-turn lane except when preparing for or making a left turn from or into a highway. A left turn shall not be made from any other lane where a two-way left-turn lane has been designated.

(d) This section shall not prohibit driving across a two-way left-turn lane.

CHAPTER 419

An act to add Sections 4746.2, 4746.3, and 4746.4 to the Health and Safety Code, relating to county sanitation districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 4746.2 is added to the Health and Safety Code, to read:

4746.2. (a) If the district board determines by resolution that funds are needed to meet current expenses of maintenance and repair of damage caused by disaster, a district may borrow and repay county funds not to exceed 85 percent of the district's anticipated revenue for the fiscal year in which they are borrowed or for the next ensuing fiscal year. In levying taxes as authorized by this article the district may raise sufficient revenues to repay such loans.

(b) The district may also borrow funds from another sanitation district and may lend available district funds to another sanitation district, subject to the same terms and conditions as apply to loans of county funds.

(c) At no time shall a district borrow funds pursuant to this section in an amount exceeding 85 percent of the district's anticipated revenue for the fiscal year in which the funds are borrowed or for the next ensuing fiscal year.

(d) As used in this section, "disaster" includes any fire, earthquake, landslide, mudslide, flood, or tidal wave.

SEC. 2. Section 4746.3 is added to the Health and Safety Code, to read:

4746.3. Notwithstanding any other provisions of law, the funds, when borrowed by a sanitation district pursuant to Section 4746.2, shall forthwith increase the appropriations of the district for which they are needed. The board of supervisors may specify the date and manner in which the funds shall be repaid. In no case shall repayment of the loan be deferred longer than 10 calendar years.

SEC. 3. Section 4746.4 is added to the Health and Safety Code, to read:

4746 4. The district shall pay interest to the county on all funds borrowed pursuant to Section 4746.2 at the same rate that the county applies to funds of the district on deposit with the county.

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:

Recent storms and flooding throughout the state have resulted in extensive and extreme damage to facilities of county sanitation districts. The health and safety of residents in county sanitation districts require expeditious repair of the sanitation systems in those districts. These districts require immediate funding to enable them to meet the extraordinary expense of repair of their facilities. Presently authorized means of raising these revenues cannot effectively and timely meet the expense of required repair which natural disaster has forced upon these districts. Immediate statutory authorization enabling these districts to raise funds with which to effectuate repairs caused by disaster is required, and it is therefore necessary that this act go into immediate effect.

CHAPTER 420

An act to add Section 36070 to the Health and Safety Code, relating to farm labor centers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 8, 1969 Filed with Secretary of State July 8, 1969]

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

SECTION 1. Section 36070 is added to the Health and Safety Code, to read:

36070. Notwithstanding any other provision of law, a county shall have all the powers granted to housing authorities by this part with relation to the establishment and maintenance of farm labor centers.

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 counties may obtain money from the federal government in order to finance and construct farm labor centers before the harvest season, it is necessary that this act go into immediate effect.

CHAPTER 421

An act to amend the heading of Article 6 (commencing with Section 2046) of Chapter 1 of Title 1 of Part 3 of, and to amend Sections 2046 and 5003 of, the Penal Code, relating to correctional institutions.

[Approved by Governor July 8, 1969 Filed with Secretary of State July 8, 1969]

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

SECTION 1. The heading of Article 6 (commencing with Section 2046) of Chapter 1 of Title 1 of Part 3 of the Penal Code is amended to read:

Article 6. California Men's Colony

SEC. 2. Section 2046 of the Penal Code is amended to read:

2046. The Director of Corrections is authorized to establish a state prison for the confinement of males under the custody of the Director of Corrections. It shall be a medium security institution and shall be known as the California Men's Colony.

SEC. 3. Section 5003 of the Penal Code is amended to read:

5003. The department has jurisdiction over the following prisons and institutions:

(a) The California State Prison at San Quentin.
(b) The California State Prison at Folsom.
(c) The California Institution for Men.
(d) The California Institution for Women.
(e) The Deuel Vocational Institution.
(f) The California Medical Facility.
(g) The Correctional Training Facility.
(h) The California Men's Colony.
(i) The California Correctional Institution at Tehachapi.
(j) The California Rehabilitation Center.
(k) The California Conservation Center.
(*l*) The Sierra Conservation Center.
(m) The Southern Conservation Center.
(n) The North Coast Conservation Center.
(o) The Medical Correctional Institution.
(p) The Special Security Facility.
(q) Such other institutions and prison facilities as the Department of Corrections or the Director of Corrections may be authorized by law to establish.

CHAPTER 422

An act to amend Sections 779.2 and 10270 505 of the Insurance Code, relating to insurance.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 779.2 of the Insurance Code is amended to read:

779.2. All life insurance and all disability insurance sold in connection with loans or other credit transactions shall be subject to the provisions of this article, except (a) such insurance sold in connection with a loan or other credit transaction of more than 10 years duration, and (b) such insurance where its issuance is an isolated transaction on the part of the insurer not related to an agreement or a plan or regular course of conduct for insuring debtors of the creditor. Nothing in this article shall be construed to relieve any person from compliance with any other applicable law of this state.

For the purpose of this article:

(1) "Credit life insurance" means insurance on the life of a debtor pursuant to or in connection with a specific loan or other credit transaction, exclusive of any such insurance procured at no expense to the debtor. Insurance shall be deemed procured at no expense to the debtor unless the cost of the credit transaction to the debtor varies depending on whether or not the insurance is procured;

(2) "Credit disability insurance" means insurance on a debtor to provide indemnity for payments becoming due on a specific loan or other credit transaction while the debtor is disabled as defined in the policy;

(3) "Creditor" means the lender of money or vendor or lessor of goods, services, property, rights or privileges, for which payment is arranged through a credit transaction or any successor to the right, title or interest of any such lender, vendor or lessor, and an affiliate, associate or subsidiary of any of them or any director, officer or employee of any of them or any other person in any way associated with any of them;

(4) "Debtor" means a borrower of money or a purchaser or lessee of goods, services, property, rights or privileges for which payment is arranged through a credit transaction;

(5) "Indebtedness" means the total amount payable by a debtor to a creditor in connection with a loan or other credit transaction.

SEC. 2. Section 10270.505 of the Insurance Code is amended to read:

10270.505. Another permitted form of group disability insurance is that which conforms to all of the following conditions.

(1) Covering debtors who are or become obligated to repay an indebtedness in substantially equal installments, or to repay a portion of an indebtedness in substantially equal installments over a year or more and repay a final balance in any amount on a date certain thereafter, to one creditor, as "creditor" is defined in subdivision (3) of Section 779.2.

(2) The group numbers not less than 10 new entrants yearly.

(3) The amounts insured on any one debtor do not exceed those permitted by Section 779.4.

(4) The policy is issued upon application of and made payable to the creditor or his successor in interest and such alternate beneficiaries as are required by Article 5.9 (commencing with Section 779.1) of Chapter 1 of Part 2 of Division 1, and the premiums are paid by or through the creditor.

A policy issued under this section shall conform to all applicable provisions of this code.

CHAPTER 423

An act to amend Section 484d of the Penal Code, relating to credit cards.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 484d of the Penal Code is amended to read:

484d. As used in this section and Sections 484e to 484i, inclusive:

(1) "Cardholder" means the person or organization identified on the face of a credit card to whom or for whose benefit the credit card is issued by a card issuer.

(2) "Credit card" means any instrument or device, whether known as a credit card, credit plate, or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services or anything else of value, either on credit or in consideration of an undertaking or guaranty by the issuer of the payment of a check drawn by the cardholder.

(3) "Expired credit card" means a credit card which shows on its face it has elapsed.

(4) "Card issuer" means the business organization or financial institution which issues a credit card, or its duly authorized agent.

(5) "Participating party" means business organization or financial institution which is obligated by contract to acquire from a merchant a sales slip or sales draft or instrument for the payment of money evidencing a credit card transaction and from whom the issuer is obligated by contract to acquire such sales slip, sales draft, or instrument for the payment of money.

(6) "Merchant" means every person who is authorized by an issuer or a participating party to furnish money, goods, services or anything else of value upon presentation of a credit card by a cardholder.

(7) A credit card is "incomplete" if part of the matter other than the signature of the cardholder which an issuer requires to appear on the credit card before it can be used by a cardholder has not been stamped, embossed, imprinted, or written on it.

(8) "Revoked credit card" means a credit card which is no longer authorized for use by the issuer, such authorization having been suspended or terminated and notice thereof having been given to the cardholder.

SEC. 2. The amendment of Section 484d of the Penal Code made by this act does not constitute a change in, but is declaratory of, the existing law.

CHAPTER 424

An act to add Section 4570.5 to the Penal Code, relating to fraudulent entry into correctional institutions.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 4570.5 is added to the Penal Code, to read:

4570.5. Every person who falsely indentifies himself either verbally or by presenting any fraudulent written instrument to prison officials, officers, or employees of any state prison, prison road camp, or prison forestry camp, or other prison camp or prison farm, or any jail, or any county industrial farm, or any county road camp, for the purpose of securing admission to the premises or grounds of any such prison, camp, farm, or jail, and such person would not otherwise qualify for admission, is guilty of a misdemeanor.

CHAPTER 425

An act to amend Section 860 of the Probate Code, relating to the administration of estates.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 860 of the Probate Code is amended to read:

860. Whenever it shall appear to be to the advantage or best interests of the estate to exchange any property of the decedent for other property, the court may authorize such exchange, upon such terms and conditions as it may prescribe, which may include the payment or receipt of part cash by the executor or administrator, upon the petition of the executor or administrator or of any person interested in the estate, and after notice of the hearing given for the period and in the manner required by Section 1200 of this code. When the petition is for authorization to exchange stocks, bonds, or other securities, as defined in Section 771 of this code, for different stocks, bonds, or other securities, the court or judge, upon a showing of good cause, may order the notice be given for a shorter period or that it be dispensed with.

CHAPTER 426

An act to amend Section 6 of the American River Flood Control District Act (Chapter 808 of the Statutes of 1927), relating to the American River Flood Control District.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 6 of the American River Flood Control District Act (Chapter 808 of the Statutes of 1927) is amended to read:

Sec. 6. Any person desiring to be a candidate at any election for trustees shall also file a statement under oath with the board which statement shall set forth the candidate's full name, address and that he is a registered voter within the district and that he will not withdraw his name before the election. Said statement, together with said written petition, shall be filed in the time and manner prescribed for filing nomination papers pursuant to Section 6833 of the Elections Code or any amendment thereof. Nothing in this act contained shall be construed as prohibiting any member of the board from being a candidate to succeed himself.

CHAPTER 427

An act to add Sections 38.4, 38.5, and 38.6 to the Contra Costa County Storm Drainage District Act (Chapter 1532 of the Statutes of 1953), relating to the Contra Costa County Storm Drainage District.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 38.4 is added to the Contra Costa County Storm Drainage District Act (Chapter 1532 of the Statutes of 1953), to read:

Sec. 38.4. Proceedings for the dissolution of a zone may be instituted by the board of supervisors by the adoption of a resolution of intention to dissolve the zone. The resolution of intention shall fix a time and place for a public hearing on the proposed dissolution of the zone, which shall not be less than 30 nor more than 60 days after the adoption of the resolution, and shall publish a notice of such hearing pursuant to Section 6066 of the Government Code in a newspaper of general circulation, circulated in said zone, or if there is no newspaper circulated in said zone, then such publication shall be made in a newspaper of general circulation, circulated in the county in which said zone is located. Publication shall be completed at least five days prior to the hearing. The board of supervisors shall also mail notice of the hearing at least 15 days prior to the hearing date to any city or cities included within the territory of the zone.

SEC. 2. Section 38.5 is added to the Contra Costa County Storm Drainage District Act (Chapter 1532 of the Statutes of 1953), to read:

Sec. 38.5. At the time appointed for said hearing pursuant to Section 38.4 or at any time to which the same may be continued, the board shall hear and pass upon said dissolution and may deny or order the same. If the zone is ordered dissolved, the board shall do so by resolution and such zone shall thereupon be dissolved.

SEC. 3. Section 38.6 is added to the Contra Costa County Storm Drainage District Act (Chapter 1532 of the Statutes of 1953), to read:

Sec. 38.6. Upon the dissolution of a zone pursuant to Section 38.5, any unencumbered funds standing to the credit of the zone in the county treasury shall be transferred to the county and any city or cities involved for the maintenance of any of the drainage facilities of said dissolved zone located within the unincorporated area of the county and any involved city or cities. When a city or cities are involved, the unencumbered funds shall be divided between the county and the city or cities in proportion to the assessed value of the real property of the zone located within the unincorporated area of the county and in the involved city or cities In the event the zone has indebtedness evidenced by bonds and the indebtedness is outstanding and owing on the date of the dissolution, the property within the dissolved zone shall nevertheless be liable for assessment and payment of the tax for its pro rata share thereof.

Upon the dissolution of the zone, all right, title and interest of the district and county in and to any district drainage easements or other interests in real property within such dissolved zone used for district drainage facilities shall vest in the city or cities where said easements or real property are located. District easements or other interests in real property located both in the unincorporated area of the county and in the dissolved zone shall remain vested in the district upon the zone dissolution.

CHAPTER 428

An act to add Section 653n to the Penal Code, relating to two-way mirrors.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 653n is added to the Penal Code, to read:

653n. Any person who installs or who maintains after April 1, 1970, any two-way mirror permitting observation of any restroom, toilet, bathroom, washroom, shower, locker room, fitting room, motel room, or hotel room, is guilty of a misdemeanor.

This section does not apply to such areas (a) in state or local public penal, correctional, custodial, or medical institutions which are used by, or for the treatment of, persons who are committed or voluntarily confined to such institutions or voluntarily receive treatment therein; (b) in private custodial or medical institutions, which are used by, or for the treatment of, persons who are committed or voluntarily confined to such institutions or voluntarily receive treatment therein; (c) in public or private treatment facilities which are used by, or for the treatment of, persons who are committed or voluntarily confined to such facilities or voluntarily receive treatment therein; (d) in buildings operated by state or local law enforcement agencies; or (e) in public or private educational institutions.

"Two-way mirror" as used in this section means a mirror or other surface which permits any person on one side thereof to see through it under certain conditions of lighting, while any person on the other side thereof or other surface at that time can see only the usual mirror or other surface reflection.

CHAPTER 429

An act to amend Sections 11333 and 11655.5 of the Health and Safety Code, relating to drugs, including narcotics, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 11333 of the Health and Safety Code is amended to read:

11333. Persons who, under applicable federal laws or regulations, are 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 11655.5 of the Health and Safety Code is amended 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) 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. 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 presently research projects seeking approval, which are, under applicable federal laws or regulations, lawfully entitled to use narcotics for the specified purposes, but because such projects are not registered and not subject to be taxed under specified federal provisions such projects may not be approved. Also, the federal provisions relating to registration and taxation in the area of narcotics are presently under study and change and are thus difficult to comply with.

Therefore, if these research projects, which are important to the health and safety of the citizens of this state, are to be approved and begin to function, this act, removing the requirement that the projects are to be registered and be subject to taxation, must go into effect immediately.

CHAPTER 430

An act to amend Section 33138 of the Streets and Highways Code, relating to Parking Law of 1949, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 33138 of the Streets and Highways Code is amended to read:

33138. The authority may sell bonds at less than their par or face value, but a bond shall not be sold at a price below its par or face value which would result in a sale price yielding to the purchaser an average of more than 7 percent a year, payable semiannually, according to standard tables of bond values.

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 ability of cities to sell bonds yielding a 6 percent return is severely limited by present conditions in the bond market which, in turn, limits the ability of the cities to provide badly needed parking facilities creating serious transportation problems. In order to alleviate these problems and the attendant safety difficulties, it is necessary that this act become effective immediately.

CHAPTER 431

An act to amend Section 709 of the Probate Code, relating to estates.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 709 of the Probate Code is amended to read:

709. If an action is pending against the decedent at the time of his death, the plaintiff must in like manner file his claim with the clerk or present it to the executor or administrator for allowance or rejection, authenticated as required in other cases; and no recovery shall be had against decedent's estate in the action unless proof is made of such filing or presentation; provided, if the action which is pending is an action for damages and the decedent was insured therefor and the insurer has accepted the defense of the cause and an appearance has been made in such action on behalf of the decedent, no claim shall be required except for amounts in excess of or not covered by such insurance; provided, further, if any action is pending against the decedent at the time of his death and a claim based on such action is not filed or presented within the prescribed period, the court may thereafter allow filing of said claim on such terms as may be just and equitable, upon the claimant's verified petition and notice of hearing given pursuant to Section 1200, if it finds that the claim was not filed or presented previously because neither the claimant nor his attorney had actual knowledge of the decedent's death at least 15 days prior to the expiration of the prescribed period for filing or presenting the claim, but any property distributed or payment made under court order before notice of such petition shall not be subject to the claim.

No relief shall be granted unless the petition is filed within a reasonable time after discovery of decedent's death and in any event within one year after the expiration of said prescribed period, and before petition for final distribution has been filed.

If, at the time of filing the petition hereunder, assets of the estate have been paid to general creditors or some thereof or have been distributed by decree of preliminary distribution to heirs, devisees or legatees (in either case after expiration of the prescribed time for claims), and it appears that the filing and later establishment of the claim, in the circumstances, would cause or tend to cause unequal treatment between heirs, devisees, legatees or creditors, then permission to file the claim shall be denied.

CHAPTER 432

An act to amend Section 5285 of the Public Utilities Code, relating to public utilities.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 5285 of the Public Utilities Code is amended to read:

5285. The permit of any household goods carrier may, upon application of the holder thereof, be amended or revoked in whole or in part or may, upon complaint or on the commission's own initiative, after notice and hearing, be suspended, changed or revoked, in whole or in part, for failure to comply with any provision of this chapter or with any lawful order, rule or regulation of the commission promulgated thereunder or with any term, condition, or limitation of such permit. The right to operate under any household goods carrier permit may be suspended by the commission upon reasonable notice of not less than 15 days to the holder without hearing or other proceedings, for failure to comply, and until compliance, with the provisions of Section 5161 or with any lawful order, rule or regulation of the commission promulgated thereunder.

As an alternative to the cancellation, revocation, or suspension of an operating permit or permits, the commission may impose upon the holder of such permit or permits a fine of not exceeding five thousand dollars ($5,000). All fines collected shall be deposited at least once each month in the State Treasury to the credit of the General Fund.

CHAPTER 433

An act to amend Section 11908 of the Public Utilities Code, relating to municipal utility districts.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969]

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

SECTION 1. Section 11908 of the Public Utilities Code is amended to read:

11908. The board shall establish rules for its proceedings and may provide by ordinance or resolution that each member shall receive for each attendance at the meetings of the board the sum of thirty dollars ($30). No director shall receive any other compensation, nor receive pay for more than two meetings in any one calendar month.

CHAPTER 434

An act to provide for the merger of Ventura County Waterworks District No. 6 with the City of Thousand Oaks, relating to county waterworks districts.

[Approved by Governor July 8, 1969 Filed with Secretary of State July 8, 1969]

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

SECTION 1. Notwithstanding any other provisions of law, Ventura County Waterworks District No. 6, hereinafter referred to as the "district," hereby is merged with the City of Thousand Oaks, hereinafter referred to as the "city."

SEC. 2. Upon the effective date of this act, all of the money or funds, including cash on hand and moneys due but uncollected, and all property, real or personal including water rights, of the district shall vest in the city.

SEC. 3. (a) Any territory within the boundaries of the district at the time of merger and which, at the time of merger, is liable for the payment of principal, interest and any other amounts which shall become due on account of any bonds, including revenue bonds or other contracts or obligations of said district, or any improvement district therein, as shall be outstanding on the effective date of the merger, shall continue to be liable to the same extent as though such merger had not occurred and shall be subject, pursuant to the provisions of subdivision (b) of this section, to the levying or fixing and collection of any (1) taxes or assessments, or (2) service charges, rentals or rates, or (3) both, as may be necessary.

(b) The City Council of the City of Thousand Oaks shall have the authority to levy or fix any (1) taxes or assessments, or (2) service charges, rentals or rates, or (3) both, as may be necessary to provide for such payment upon all of the territory which was within the district at the time of dissolution including that portion of the territory outside the boundaries of the city.

Until payment, or provision for payment, has been made of all principal, interest and any other amounts owing on account of any outstanding obligations, which are payable in whole or in part from taxes or assessments upon any property within all or any part of the territory of the district, the city council shall in each year provide for the levy and collection of taxes and assessments upon such property, including that outside of the city boundaries, sufficient to pay any principal, interest and any other amounts owing on account of such obligations, as the same becomes due. Such taxes and assessments shall be levied and collected in the manner provided by the principal act of the merged district.

(c) At such time as territory of the district outside the boundaries of the city ceases to be liable for any of the obligations set forth in subdivision (a) of this section, the authority of the city council to levy or fix any taxes or assessments under the provisions of this act shall terminate.

SEC. 4. Until payment, or provision for payment, has been made of all principal, interest and any other amounts owing on account of any outstanding bonds, contracts or other obligations which are payable in whole or in part from the revenues of a revenue-producing enterprise of the district, the

city shall not sell, encumber or otherwise dispose of all or any part of the revenue-producing enterprise or the revenues derived therefrom, except as expressly authorized by the ordinance, resolution or indenture authorizing such bonds, contracts or other obligations or providing for the issuance of any thereof.

SEC. 5. If there are any bonds, including revenue bonds, contracts or other obligations of the district outstanding upon the effective date of merger, the city shall succeed to all of the rights and liabilities of the district under any ordinance, resolution, indenture, contract or other obligations or providing for or authorizing the issuance of any thereof and may sue and be sued upon such rights and liabilities in the same manner and to the same extent as the merged district; provided, however, no territory not within the boundaries of the district at the time of the merger shall be subject to any tax or assessment for any bonds, including revenue bonds, contracts or other obligations of the district outstanding upon the effective date of the merger.

SEC. 6. Any funds, money or property of the district which shall have been impressed with any public trust, use or purpose shall continue to be so impressed until such public trust, use or purpose is vacated, abandoned or terminated, in the manner provided by law.

SEC. 7. No inhabitant, property owner, taxpayer, consumer or user within the territory of the district shall be entitled (a) to all or any part, or to any payment on account of the moneys or funds, including cash on hand and moneys due but uncollected, and any property, real or personal, of the district or (b) to any refund by reason of any taxes, assessments, service charges, rentals or rates collected prior to the effective date of merger.

SEC. 8. Where any nonincorporated water service area outside the City of Thousand Oaks becomes a part of the service area of the water department of the City of Thousand Oaks as a result of the merger of the city and Ventura County Waterworks District No. 6 pursuant to the provisions of this act, the City of Thousand Oaks shall provide water service to water consumers in such area on the same basis as that provided to consumers residing within the boundaries of the City of Thousand Oaks.

CHAPTER 435

An act to add Section 5008.5 to the Public Resources Code, relating to the state park system.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 5008.5 is added to the Public Resources Code, to read:

5008.5. In any prosecution charging a violation within any unit of the state park system of the rules and regulations of the department, the provisions of Section 267 or Chapter 5 (commencing with Section 650) of Division 3 of the Harbors and Navigation Code, or the rules and regulations of the Harbors and Watercraft Commission, proof by the people of the State of California that the vehicle or vessel described in the complaint was parked, placed, or operated in violation of any provision of such statutes or rules and regulations together with proof that the defendant named in the complaint was, at the time of such parking, placing, or operating, the registered owner of the vehicle or vessel, shall constitute prima facie evidence that the registered owner of the vehicle or vessel was the person who parked, placed, or operated the vehicle or vessel at the point where, and for the time during which, the violation occurred, but such proof that a person is the registered owner of a vehicle or vessel is not prima facie evidence that such person has violated any other provision of law. The above provisions shall apply only when there has been compliance with the procedure required by Section 41103 of the Vehicle Code. Proof of a written lease of, or rental agreement for, a particular vehicle or vessel described in the complaint, on the date and time of such violation, which lease or rental agreement includes the name and address of the person to whom the vehicle or vessel is leased or rented, shall rebut the prima facie evidence that the registered owner was the person who parked, placed, or operated the vehicle at the time and place where the violation occurred.

Any charge under this section shall be dismissed when the person charged has made a bona fide sale or transfer of the vehicle or vessel and has delivered possession thereof to the purchaser and has complied with the requirements of subdivision (a) or (b) of Section 5602 of the Vehicle Code or with Section 710 of the Harbors and Navigation Code prior to the date of the alleged violation and has advised the court of the name and address of the purchaser.

CHAPTER 436

An act to amend Section 5640 of the Business and Professions Code, relating to landscape architects.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. 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 Section 5615.

CHAPTER 437

An act to amend Sections 902, 905, 908, and 909 of the Welfare and Institutions Code, relating to the juvenile court law.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 902 of the Welfare and Institutions Code is amended to read:

902. If it is found that the maximum amount established by the board of supervisors of the county is insufficient to pay the whole expense of support and maintenance of a ward, dependent child, or other minor person, the court may order and direct that such additional amount as is necessary shall be paid out of the earnings, property, or estate of such ward, dependent child, or other minor person, or by the parents or guardian of such ward, dependent child, or other minor person, or by any other person liable for his support and maintenance, to the county officers designated by the board of supervisors who shall in turn pay it to the person, association, or institution that, under court order, is caring for and maintaining such ward, dependent child, or other minor person.

SEC. 2. Section 905 of the Welfare and Institutions Code is amended to read:

905. Except as otherwise ordered by the juvenile court, the county officers designated by the board of supervisors 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 any such officer of the county in which the juvenile court making the order of placement, detention, or commitment is located. The 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 amounts established under this article, or any part thereof, and report the results of his investigation to the juvenile court. On receipt of the 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 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. 3. 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 county officers designated by the board of supervisors 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 days' prior notice to the person or estate ordered to make such payment.

SEC. 4. Section 909 of the Welfare and Institutions Code is amended to read:

909. In any case in which the county officers designated by the board of supervisors are charged with the duty of collecting amounts payable to the county under this article, upon the verified application of any such officer, the board of supervisors

may make an order discharging the officer from further accountability for the collection of any such amount in any case as to which the board determines that the amount is too small to justify the cost of collection or that the collection of such amount is improbable for any reason. Such order is authorization for the officer to close his books in regard to such item, but such discharge of accountability of the officer does not constitute a release of any person from liability for payment of any such amount which is due and owing to the county. The board may request a written opinion from the district attorney or county counsel as to whether any particular amount owed to the county is too small to justify the cost of collection or whether collection of any particular item is improbable.

CHAPTER 438

An act to amend Sections 23520, 23522, 23540 and 23606 of the Elections Code, relating to the Uniform District Election Law.

[Approved by Governor July 8, 1969 Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 23520 of the Elections Code is amended to read:

23520. If, by 5 p.m. on the 46th day prior to the day fixed for the general district election: only one person has been nominated for any elective office to be filled at that election; or no one has been nominated for such office; or in the case of directors to be elected from the district at large, the number of nominees for director at large does not exceed the number of offices of director at large to be filled at that election; or in the case of directors to be nominated by division and elected at large, the number of nominees for director at large from a division does not exceed the number required to be elected director at large nominated from that division, and if a petition signed by 5 percent of the voters in the district, or division if elected by division, requesting that the general district election be held has not been presented to the governing body of the district, the county clerk, upon receipt of the notice required in Section 23522, shall submit a certificate of these facts to the supervising authority and request that the supervising authority, at a regular or special meeting held prior to the last Monday before the last Friday in November in which the election is held, appoint to such office or offices the person or persons, if any, who have been nominated. The supervising authority shall make such appointments. If no person has been nominated for any office, the supervising authority shall appoint any person to the office who is qualified on the date when

the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at a general district election for such office.

Where a director must be appointed to represent a division, all or most of which is not within the county governed by the supervising authority, then the board of supervisors of the county within which all or most of that division is located shall be the body to which request for appointment is made and which shall make such appointment.

SEC. 2. Section 23522 of the Elections Code is amended to read:

23522. On the 43rd day prior to the day fixed for the general district election the secretary shall deliver to the county clerk a notice which shall contain the title of each elective office of the district for which a general district election is required to be held as a result of a petition signed by 5 percent of the voters in the district requesting an election be held for such office having been presented to the governing body within the time provided for by Section 23520. If no such election is to be held, the notice shall contain this fact.

SEC. 3. Section 23540 of the Elections Code is amended to read:

23540. At least 10 days prior to the day fixed for the general district election the county clerk shall mail a sample ballot to each voter. He shall also mail a notice or notices enclosed with the sample ballot which notice shall contain all of the following:

(a) The date and hours of the next general district election;

(b) The address of the polling place at which the voter is to vote.

The clerk may mail separate notices for each district participating in the election or consolidate the information for two or more districts in one notice.

SEC. 4. Section 23606 of the Elections Code is amended to read:

23606. In order to recall an officer a petition shall be filed with the secretary, in the case of landowner voting districts, and the county clerk, in the case of resident voting districts, containing all of the following:

(a) Request that an election be called to elect a successor to the officer.

(b) The notice of intention and the statement published or posted.

(c) Signatures of voters in the unit by which the officer or his elected predecessor was elected, in resident voting districts, at least equal in number to 10 percent of the registered voters in said unit, as shown by the list of eligible voters for the district as last reported to the Secretary of State. In landowner voting districts, signatures of voters owning at least 10 percent of the assessed value of land within the district.

(d) The date of each signature, his place of residence, giving street and number, and if no street or number exists, then a

designation of his place of residence which will enable the location to be readily ascertained, all of which shall be affixed by the signer at the time of his signing.

CHAPTER 439

An act to repeal Sections 31503.9, 31504, 31504.9, 31639.2, 31639.5, 31663.2, 31664, 31664.1, 31664.2, 31664.6, 31671.5, 31676.2, 31676.4, 31676.5, 31676.55, 31676.7, 31676.8, and 31679.2 of the Government Code, relating to the County Employees' Retirement Law of 1937.

[Approved by Governor July 8, 1969 Filed with Secretary of State July 8, 1969]

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

SECTION 1. Section 31503.9 of the Government Code is repealed.

SEC. 2. Section 31504 of the Government Code is repealed.

SEC. 3. Section 31504.9 of the Government Code is repealed.

SEC. 4. Section 31639.2 of the Government Code is repealed.

SEC. 5. Section 31639.5 of the Government Code is repealed.

SEC. 6. Section 31663.2 of the Government Code is repealed.

SEC. 7. Section 31664 of the Government Code is repealed.

SEC. 8. Section 31664.1 of the Government Code is repealed.

SEC. 9. Section 31664.2 of the Government Code is repealed.

SEC. 10. Section 31664.6 of the Government Code is repealed.

SEC. 11. Section 31671.5 of the Government Code is repealed.

SEC. 12. Section 31676.2 of the Government Code is repealed.

SEC. 13. Section 31676.4 of the Government Code is repealed.

SEC. 14. Section 31676.5 of the Government Code is repealed.

SEC. 15. Section 31676.55 of the Government Code is repealed.

SEC. 16. Section 31676.7 of the Government Code is repealed.

SEC 17. Section 31676.8 of the Government Code is repealed.

SEC. 18. Section 31679.2 of the Government Code is repealed.

CHAPTER 440

An act to amend Section 10427.1 of the Streets and Highways Code, relating to municipal improvements.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 10427.1 of the Streets and Highways Code is amended to read:

10427.1. If there is no supplemental assessment, the entire amount of the surplus shall be applied as a credit to the assessment. If any supplemental assessment shall have been levied, all or any part of the surplus shall be applied as a credit upon the assessment and any supplemental assessment, or any of them, as the legislative body may determine. Any credit upon the assessment or any supplemental assessment shall be made in the proportion which each individual assessment, or installment of principal thereof, bears to the total of all individual assessments in the assessment or supplemental assessments upon which the surplus is to be credited.

Where an individual assessment, or any installment of the principal thereof, has been paid in cash, the credit shall be returned in cash to the person or persons paying the same upon their furnishing satisfactory evidence of such payment.

Where all or any part of an individual assessment remains unpaid, if said individual assessment is not payable in installments, the credit shall be applied in its entirety upon such individual assessment.

Where all or any part of an individual assessment remains unpaid and is payable in installments, the amount apportioned to each parcel shall be credited against the next installment or installments unpaid upon it after the two-year period specified below. When any or all of the surplus is to be applied as a credit upon the assessment, payable in installments, no such credit may be paid or credited as provided in this section until after a period of two years from the date of receipt of proceeds of the sale of bonds by the legal entity conducting the proceedings.

There shall be transferred to the general fund of the city (i) any portion of the surplus which shall not have been paid to or claimed by the persons entitled thereto within four years from the date of recordation of the assessment and any supplemental assessment, or in the event bonds shall have been issued, within four years after the due date of the last installment upon said bonds or of the last principal coupon attached thereto, and (ii) any interest earned from the investment of any moneys constituting all or any part of the surplus.

CHAPTER 441

An act to amend Sections 80, 124, 125, 151, 152, 154, 224, 242, 243, 246, 250, 252, 256, 261, 263, 264, 285, 288, 295, 300, 305, 306, 307, 308, 309, 310, 311, 315, 316, 317, 319, 322, 331, 332, 333, 335, 336, 337, 338, 339, 340, 377, and 450 of, and to amend and renumber Sections 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 84, and 231 of, to amend and renumber the heading of Chapter 5 (commencing with Section 295) of Part 5 of, to add Sections 13, 56, and 76 to, to repeal Chapter 3 (commencing with Section 90) of Part 3 of, to add Chapter 3 (commencing with Section 90) to Part 3 of, to add Chapter 5 (commencing with Section 290) to Part 5 of, to add Chapter 3 (commencing with Section 455) to Part 7 of, to repeal Sections 83, 230, 247, 248, 257, 258, and 318 of, to repeal Chapter 4 (commencing with Section 100) of Part 3 of, and to repeal Article 4 (commencing with Section 235) of Chapter 1 of Part 5 of, the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, relating to metropolitan water districts.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 13 is added to the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, to read:

Sec. 13. "Chief executive officer" means the mayor of any city and the presiding officer of the governing body of any other public agency.

SEC. 2. Section 56 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended and renumbered to read:

Sec. 57. The affirmative votes of members representing more than 50 percent of the total number of votes of all the members shall be necessary and, except as otherwise expressly provided, shall be sufficient to carry any order, resolution or ordinance coming before the board.

SEC. 3. Section 56 is added to the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, to read:

Sec. 56. Any member of a governing body of a member public agency may be appointed by the agency to the board of a district to serve as the agency's representative, except that in the case of agencies with several such representatives a majority of the members of the governing body of such agency may not be so appointed by such agency to serve as representatives on the board of the district. No member of such a governing body shall appoint himself or vote for his own appointment. Any director holding such dual offices shall not vote upon

any contract between a metropolitan water district and the member public agency he represents on the district's board.

SEC. 4. Section 57 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session is amended and renumbered to read:

Sec. 58. Any meeting of the board may be adjourned or recessed from day to day or from time to time, by vote of the directors present, irrespective of the number of directors present or the number of votes represented at such meeting.

SEC. 5. Section 58 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended and renumbered to read:

Sec. 59. The first meeting of the board shall convene at the time and place fixed by the chief executive officer of the public agency initiating the incorporation proceedings, and immediately upon convening, the board shall elect from its membership a chairman, a vice chairman, and a secretary, who shall serve for a period of two years, or until their respective successors are elected.

SEC. 6. Section 59 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended and renumbered to read:

Sec. 60. Every member of the board of a district formed pursuant to this act shall be subject to recall by the voters of the public agency from which such member is appointed in accordance with the recall provisions applicable to such public agency.

SEC. 7. Section 60 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended and renumbered to read:

Sec. 61. The board may make and pass ordinances, resolutions and orders necessary for the government and management of the affairs of the district, for the execution of the powers vested in the district and for carrying into effect the provisions of this act.

SEC. 8. Section 61 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended and renumbered to read:

Sec. 62. Any action required by this act to be done by resolution may be done, with equal validity, by ordinance.

SEC. 9. Section 62 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended and renumbered to read:

Sec. 63. On all ordinances the roll shall be called and the ayes and noes recorded. Resolutions and orders may be adopted by viva voce, but on demand of any member the roll shall be called.

SEC. 10. Section 63 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended and renumbered to read:

Sec. 64. No ordinance shall be adopted unless it shall have been introduced on a day previous to the time of such adop-

tion or unless it is adopted by unanimous vote of all the members of the board present and there are directors present from not less than three-fourths of all the member public agencies who represent not less than three-fourths of the total vote of the board. In lieu of such previous introduction or unanimous vote any ordinance may be mailed by registered mail, postage prepaid, to each member of the board at least five days prior to the day upon which such ordinance shall be presented for adoption.

SEC. 11. Section 64 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended and renumbered to read:

Sec. 65. An ordinance adopted by the board shall take effect 30 days following its adoption, except that an ordinance ordering or otherwise relating to an election or to the issuance or sale of bonds or to the levying or collection of taxes or the fixing of water rates shall take effect upon its adoption. An ordinance necessary for the immediate preservation or protection of the property, interests or welfare of the district, which contains a specific statement showing its urgency, and is passed by three-fourths of the total vote of the board shall also take effect upon its adoption.

SEC. 12. Section 65 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended and renumbered to read:

Sec. 66. All ordinances except those which take effect upon their adoption as provided in Section 65 shall be subject to referendum in the manner provided by law for the legislative acts of boards of supervisors of counties.

SEC. 13. Section 66 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended and renumbered to read:

Sec. 67. The exercise of any executive, administrative and ministerial powers may be delegated and redelegated by the board to any of the offices created by this part or by the board.

SEC. 14. Section 67 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended and renumbered to read:

Sec. 68. The board may fix the time and place or places at which its regular meetings shall be held, and shall provide for the calling and holding of special meetings.

SEC. 15. Section 68 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended and renumbered to read:

Sec. 69. The board may fix the location of the principal place of business of the district and the location of all offices and departments maintained pursuant to this act.

SEC. 16. Section 69 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended and renumbered to read:

Sec. 70. The board may prescribe a system of business administration.

SEC. 17. Section 70 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended and renumbered to read:

Sec. 71. The board may prescribe a system of civil service.

SEC. 18. Section 71 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended and renumbered to read:

Sec. 72. The board may prescribe a method of auditing and allowing or rejecting claims and demands.

SEC. 19. Section 72 of the Metropolitan Water District Act as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended and renumbered to read:

Sec. 73. The board may delegate to officers of the district the power to employ personnel.

SEC. 20. Section 73 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended and renumbered to read:

Sec. 74. The board may delegate to officers of the district, under such conditions and restrictions as shall be fixed by the board, the power to bind the district by contract.

SEC. 21. Section 74 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended and renumbered to read:

Sec. 75. All matters and things necessary for the proper administration of the affairs of the district which are not provided for in this act shall be provided for by the board.

SEC. 22. Section 76 is added to the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, to read:

Sec. 76. The board may establish a retirement system for the officers and employees of the district or may contract with the state pursuant to the Public Employees Retirement Law.

SEC. 23. Section 80 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 80. The board may create any and all necessary offices which shall include the offices of controller and of treasurer and may include the offices of general manager, general counsel and of executive secretary.

SEC. 24. Section 83 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is repealed.

SEC. 25. Section 84 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended and renumbered to read:

Sec. 83. The treasurer may deposit funds of the district in banks in the manner provided by law for the deposit of moneys of a municipality or other public or municipal corporation.

SEC. 26. Chapter 3 (commencing with Section 90) of Part 3 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is repealed.

SEC. 26.5. Chapter 3 (commencing with Section 90) is added to Part 3 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, to read:

CHAPTER 3. CONFLICT OF INTERESTS

SEC. 90. Members of the board, officers, and employees of a district are subject to the conflict of interests provisions of Article 4 (commencing with Section 1090) of Chapter 1, Division 4, Title 1 of the Government Code.

SEC. 27. Chapter 4 (commencing with Section 100) of Part 3 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is repealed.

SEC. 27.5. Section 124 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 124. A district may levy and collect taxes on all property within the district for the purposes of carrying on the operations and paying the obligations of the district, except that such taxes, exclusive of any tax levied to meet the bonded indebtedness of such district and the interest thereon, exclusive of any tax levied to meet any obligation to the United States of America or to any board, department or agency thereof, and exclusive of any tax levied to meet any obligation to the state pursuant to Section 11652 of the Water Code, shall not exceed five cents ($0.05) on each such one hundred dollars ($100) of assessed valuation. The term "tax levied to meet the bonded indebtedness of such district and the interest thereon" as used in this section shall also include, but shall not be limited to, any tax levied pursuant to Section 287 to pay the principal of, or interest on, bond anticipation notes and any tax levied under the provisions of any resolution or ordinance providing for the issuance of bonds of the district to pay, as the same shall become due, the principal of any term bonds which under the provisions of such resolution or ordinance are to be paid and retired by call or purchase before maturity with moneys set aside for that purpose.

SEC. 28. Section 125 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 125. Investment of surplus moneys of a district is governed by Article 1 (commencing with Section 53600) of Chapter 4, Part 1, Division 2, Title 5 of the Government Code.

SEC. 29. Section 151 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 151. A district may join with one or more other public or private corporations (within or without this state) for the purpose of carrying out any of its powers, and for that purpose may contract with any such other public or private corporation to finance acquisitions, construction and operations.

SEC. 30. Section 152 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 152. Any contract with any other public or private corporation pursuant to Section 151 may provide for contributions to be made by each party and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, services and products from the contract. Any such contract may provide for an agency to effect such acquisitions and carry on such operations, and shall provide in the powers and methods of procedure for such agency the method by which such agency may contract. Any such contract may contain such other and further covenants and agreements as may be necessary and convenient to accomplish such purposes.

SEC. 31. Section 154 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 154. Whenever any work is not to be done by the district itself by force account, and the amount involved shall be twenty-five thousand dollars ($25,000) or more, the board shall provide for the letting of contracts to the lowest responsible bidder, after publication of notices inviting bids, but subject to the right of the board to reject any and all proposals.

SEC. 32. Section 224 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 224. All bonds shall be signed by the chairman of the board, or by such other officer as the board shall, by resolution adopted by a majority vote of its members, authorize and designate for that purpose. Such bonds shall also be signed by the controller or assistant controller and countersigned by the secretary of the board. The coupons, if any, of such bonds shall be numbered consecutively, and signed by such controller or assistant controller. All such signatures and countersignatures, except that of the controller or assistant controller on the bonds only (which may be by original signature or by a signature stamp), may be printed, lithographed or engraved. In case any of such officers, 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 they had remained in office until the delivery of such bonds.

SEC. 33. Section 230 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is repealed.

SEC. 34. Section 231 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended and renumbered to read:

Sec. 230. The resolution providing for the issuance of the bonds or any installment thereof may contain such registration, conversion and exchange privileges as the board may determine.

SEC. 35. Article 4 (commencing with Section 235) of Chapter 1 of Part 5 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is repealed.

SEC. 36. Section 242 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 242. All indebtedness incurred pursuant to this chapter shall be subject to the following limitations:

(a) The indebtedness so incurred shall not exceed one-half of 1 percent of the assessed valuation of the property within the district taxable for district purposes.

(b) The interest payable on such indebtedness shall not exceed 6 percent per annum payable semiannually.

(c) The term of such indebtedness shall not exceed 12 years.

SEC. 36.5. Section 242 of the Metropolitan Water District Act, as proposed by Assembly Bill No 1257 of the 1969 Regular Session, is amended to read:

Sec. 242. All indebtedness incurred pursuant to this chapter shall be subject to the following limitations:

(a) The indebtedness so incurred shall not exceed one-half of 1 percent of the assessed valuation of the property within the district taxable for district purposes.

(b) The interest payable on such indebtedness shall not exceed 7 percent per annum payable semiannually.

(c) The term of such indebtedness shall not exceed 12 years.

SEC. 37. Section 243 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 243. The board may provide for the call and redemption of bonds before maturity at such times and at such prices as it may determine. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect.

SEC. 38. Section 246 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 246. The bonds or other evidence of indebtedness authorized to be issued pursuant to this chapter shall be in such form, bear such signatures, and be subject to such provisions for registration as are provided in Article 3 (commencing with Section 220) of Chapter 1 of Part 5.

SEC. 39. Section 247 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is repealed.

SEC. 40. Section 248 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is repealed.

SEC. 41. Section 250 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 250. Whenever the board by ordinance adopted by a vote of three-fourths of the total vote of the board shall find and determine that the increasing demands for water to be supplied by the district require the immediate construction or installation of additional works or facilities to enable the district to meet such demands, and that the cost of constructing or installing such additional works or facilities will be too great to be paid out of the ordinary annual income and revenue of the district, but will be within the ability of the district to pay out of income derived from special taxes levied and collected pursuant to annexation proceedings pursuant to Articles 1, 2, 3, and 6 of Chapter 1 of Part 7, and that the public interest requires the incurring of indebtedness for the purpose of providing moneys for the construction or installation of such additional works or facilities, the board may authorize the incurring of such indebtedness and may authorize the issuance and sale of bonds or other evidence of indebtedness for such purpose either in one block or in installments.

SEC. 42. Section 252 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 252. All indebtedness incurred pursuant to this chapter shall be subject to the following limitations:

(a) The indebtedness so incurred outstanding at any time shall not exceed the sum of 50 percent of the aggregate amount of special taxes thereafter to be levied by the district pursuant to the authority of Articles 1, 2, or 3 of Chapter 1 of Part 7 and 50 percent of the aggregate amount that then would be acceptable in cash by the district as payment in full of special tax levies by the district pursuant to the authority of Article 6 (commencing with Section 405) of Chapter 1 of Part 7 and annexation proceedings concluded thereunder, or 1 percent of the assessed valuation of property within the district taxable for district purposes, whichever shall be the lesser.

(b) The interest payable on such indebtedness shall not exceed 6 percent per annum payable semiannually.

(c) The term of such indebtedness shall not exceed 12 years.

(d) The whole amount of such indebtedness or of the respective installment thereof, depending upon whether the bonds or other evidence of such indebtedness shall be issued in one block or in installments, shall be made payable in substantially equal annual parts during the term of such indebtedness or installment thereof, as the case may be.

SEC. 42.5. Section 252 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec 252. All indebtedness incurred pursuant to this chapter shall be subject to the following limitations:

(a) The indebtedness so incurred outstanding at any time shall not exceed the sum of 50 percent of the aggregate amount of special taxes thereafter to be levied by the district pursuant to the authority of Articles 1, 2, or 3 of Chapter 1 of Part 7 and 50 percent of the aggregate amount that then would be acceptable in cash by the district as payment in full of special tax levies by the district pursuant to the authority of Article 6 (commencing with Section 405) of Chapter 1 of Part 7 and annexation proceedings concluded thereunder, or 1 percent of the assessed valuation of property within the district taxable for district purposes, whichever shall be the lesser.

(b) The interest payable on such indebtedness shall not exceed 7 percent per annum payable semiannually.

(c) The term of such indebtedness shall not exceed 12 years.

(d) The whole amount of such indebtedness or of the respective installment thereof, depending upon whether the bonds or other evidence of such indebtedness shall be issued in one block or in installments, shall be made payable in substantially equal annual parts during the term of such indebtedness or installment thereof, as the case may be.

SEC. 43. Section 256 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 256. In the discretion of the board, interest and principal on bonds or other evidence of indebtedness issued pursuant to this article may be made payable only out of income derived from special taxes levied and collected pursuant to annexation proceedings pursuant to Articles 1, 2, 3, and 6 of Chapter 1 of Part 7. As an alternative, such interest and principal may be made payable primarily from such income, provided that if from any cause, the income and revenues of the district available for such purpose shall be inadequate to pay the interest or principal of any indebtedness incurred under this article, when due, the board shall follow the tax levy and collection procedure set forth in Section 308.

SEC. 44. Section 257 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is repealed.

SEC. 45. Section 258 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is repealed.

SEC. 46. Section 261 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 261. The proposition submitted pursuant to Section 260 shall be stated upon the official ballot substantially in the following language: "Shall the Board of Directors of _____

(insert name of district) be authorized, by a majority vote of the board, pursuant to the provisions of Chapter 3 (commencing with Section 250) of Part 5 of the Metropolitan Water District Act, to incur indebtedness from time to time for terms not exceeding 12 years, for the purpose of constructing or installing additional works or facilities for the development, transportation and distribution of water, such indebtedness to be payable primarily or solely from revenues derived from special taxes levied pursuant to annexation proceedings completed prior to the incurring of such indebtedness, and such indebtedness to not exceed at any one time either the sum of 50 percent of the aggregate amount of such special taxes thereafter to be levied by the district pursuant to the authority of Articles 1, 2, or 3 of Chapter 1 of Part 7 and 50 percent of the aggregate amount that then would be acceptable in cash by the district as payment in full of special tax levies by the district pursuant to the authority of Article 6 of Chapter 1 of Part 7 or 1 percent of the assessed valuation of taxable property within the district, whichever is the lesser, and also to refund all or any part of such indebtedness?''

SEC. 47. Section 263 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 263. In the event that a majority of the voters of the district voting on the proposition at the election called pursuant to Section 260 shall vote in favor of the proposition, the board on behalf of the district may by a majority vote, instead of a three-fourths vote, incur and refund indebtedness in the manner, for the purposes, and to the extent provided in Article 1 (commencing with Section 250) of this chapter.

SEC. 48. Section 264 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 264. The bonds or other evidence of indebtedness authorized to be issued pursuant to this article shall be in such form, bear such signatures, and be subject to such provisions for registration as are provided in Article 3 (commencing with Section 220) of Chapter 1 of Part 5.

SEC. 49. Section 285 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 285. The district may borrow money in anticipation of the sale of, but not in excess of the principal amount of, authorized bonds of the district which have not yet been sold and delivered, and for that purpose may issue and sell negotiable bond anticipation notes, and may refund such notes from time to time, but the maximum maturity of any such notes, as originally issued or as refunded, shall not exceed five years from the date of the original notes. The notes shall be sold in such manner as the board may determine, and such notes and the resolution providing for the issuance of such notes may contain any provision, condition or limitation

which a bond, or any resolution or ordinance providing for the issuance of bonds, may contain.

SEC. 50. Section 288 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 288. When bonds of the district are issued and any portion of the proceeds of the sale are to be used to pay bond anticipation notes, such bonds shall mature not later than the maximum permissible years for such bonds under Sections 221, 242, and 252, whichever is applicable, from the date of such notes as originally issued.

SEC. 51. Chapter 5 (commencing with Section 290) is added to Part 5 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, to read:

CHAPTER 5. REFUNDING OF BONDS

Sec. 290. The district may provide by resolution adopted by a two-thirds vote of the board for the issuance, sale or exchange of refunding bonds to purchase, redeem or retire bonds upon such terms, at such times, and in such manner as the board determines. All such refunding bonds shall mature not later than the maturity date of the outstanding bonds which are refunded. Subject to any limitations contained in this chapter, the provisions of Sections 163, 221, 222, 223, 224, 225, 226, 227, 228, 229, and 230 shall apply to such refunding bonds.

Sec. 291. Refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of any of the following:

(a) The redemption or retirement of all outstanding bonds which are refunded.

(b) All expenses incident to the calling, retiring or redemption of the outstanding bonds which are refunded and the issuance of the refunding bonds.

(c) Interest upon the refunding bonds from the date of sale to the date of redemption or retirement of the bonds outstanding which are refunded out of the proceeds of the sale.

(d) Any premium necessary in the redemption and retiring of the outstanding bonds and the interest accruing on them to the date of the call or retirement.

Sec. 292. The proceeds of the sale of refunding bonds, except premium and accrued interest, shall be placed in the treasury and applied to the purposes specified in this chapter. Premium and accrued interest shall be placed in the fund to be applied to the payment of interest on and retirement of the refunding bonds.

Sec. 293 In lieu of selling refunding bonds and redeeming or retiring with the proceeds the bonds which are refunded, the board may exchange refunding bonds for the bonds so refunded.

Sec. 294. Whenever outstanding bonds are refunded, they shall be surrendered to the treasurer of the district for cancellation in the manner to be prescribed by the board.

SEC. 52. The heading of Chapter 5 (commencing with Section 295) of Part 5 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended and renumbered to read:

CHAPTER 6. BONDS AS LEGAL INVESTMENTS

SEC. 52.5. Section 295 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 295. All bonds, notes or other evidence of indebtedness issued by any district shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings and trust companies, and for the state school funds, and for all sinking funds under the control of the State Treasurer, and whenever any moneys or funds may by law now or hereafter enacted be invested in, or loaned upon the security of, bonds of cities, cities and counties, counties, or school districts in the State of California, such moneys or funds may be invested in, or loaned upon the security of, the bonds, notes or other evidence of indebtedness of such metropolitan water district; and whenever bonds of cities, cities and counties, counties, or school districts, by any law now or hereafter enacted, may be used as security for the faithful performance or execution of any court or private trust or of any other act, bonds, notes or other evidence of indebtedness of such metropolitan water district may be so used.

SEC. 53. Section 300 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 300. As used in this part, "declaring public agency" means any public agency, any irrigation district, California water district or any other public corporation or agency of the State of California, of similar character and with power to acquire and distribute water, whose corporate area, in whole or in part, is taxable by a metropolitan water district and which has declared its intention to pay out of its agency funds the whole or a stated percentage of the district's taxes, pursuant to Section 331.

SEC. 54. Section 305 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 305. Immediately after equalization and not later than the 15th day of August of each year, the auditor of each county in which property taxable by the district lies shall prepare and deliver to the controller of the district a certificate showing the assessed valuation of all property taxable by the district lying in the county, and also showing such assessed

valuation segregated according to each member public agency within the county and further showing such assessed valuation segregated according to annexations to, or exclusions from, the district as long as such segregation is necessary for the imposition of taxes by the district.

SEC. 55. Section 306 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 306. In the event that the controller of the district notifies the State Board of Equalization and the appropriate county assessor pursuant to Section 335 of the acceptance of the declaration of intention of any declaring public agency to make payments in lieu of taxes pursuant to the provisions of Chapter 2 (commencing with Section 331) of this part, the State Board of Equalization and the county assessor shall prepare the assessments for the next ensuing fiscal year of all property taxable by such metropolitan water district lying in such declaring public agency, segregated in such manner that the county auditor of each county within which such agency or any part thereof shall lie, in issuing his certificate to the controller of such metropolitan water district on or before the 15th day of August of such year, pursuant to the requirements of Section 305, will be able to segregate the assessed valuation of all property in his county taxable by such metropolitan water district lying in such agency, and it shall be the duty of each such county auditor to make such segregation in such certificate.

SEC. 56. Section 307 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 307. On or before the 20th day of August the board shall by resolution determine the amount of money necessary to be raised by taxation during the fiscal year beginning the first day of July next preceding for all district purposes and shall fix rates of taxation designating the number of cents, upon each one hundred dollars ($100) assessed valuation of property taxable by the district in each county (but if any fraction of a cent occur, it must be taken as a full cent on each one hundred dollars ($100) assessed valuation of such taxable property) and shall levy a tax accordingly.

SEC. 57. Section 308 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 308. If from any cause the income and revenues of the district shall be inadequate to pay the interest or principal (including sinking fund requirements, if any) of any bonds issued under Chapters 1, 2 and 3 of Part 5, except bonds payable only out of income derived from special taxes levied and collected pursuant to annexation proceedings pursuant to Articles 1, 2, 3, and 6 of Chapter 1 of Part 7, as the same become due, the board shall, at the time of fixing the tax

levy, pursuant to Section 307, and in the same manner provided for such tax levy, levy and collect annually until such bonds shall be paid or until there shall be a sum in the treasury of the district set apart for such purposes sufficient to meet all sums coming due for such interest or principal, a tax, in addition to all other taxes levied for district purposes, sufficient to pay the annual interest on such bonds and such part of the principal as shall become due before the time when money will be available from the next general tax levy, or such portion thereof as shall not be met from previous levies or other revenues of the district. Taxes so levied and collected shall be used for no purpose other than the payment of such interest or principal, except that in case a tax is levied, as above stated, for any authorized but unsold bonds, and such bonds are not so issued and sold or such tax for any other reason is not required for such purpose, the proceeds from the tax so levied shall be applied to the payment of interest or principal, on any bonds authorized by the electors then outstanding or subsequently issued. In addition to the foregoing, taxes shall also be levied to meet the requirement of any resolution adopted pursuant to Section 288.

SEC. 58. Section 309 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 309. The board shall also cause to be computed and shall declare in the resolution adopted pursuant to Section 307 the amount of money to be derived by virtue of the tax levy from the area of the district lying within each member public agency and within each declaring public agency for which a certificate segregating the assessed valuation of all property within the agency has been received from the county auditor by the controller of the district. In such resolution the board shall also fix and determine the times and proportional amounts of installments through which any declaring public agency may elect to make payment in lieu of taxes as provided in Section 336, and may provide for deductions or refunds of amounts determined by the board to be equal to the fees which would be required to be paid pursuant to Section 312 if taxes were levied and collected by county officials, and equal to the interest, as determined by the board, that could be earned by the district on payments made pursuant to Section 338 between such date of payment and the dates the amount of such payment would have been payable under this section for purposes other than those referred to in Section 338. If two or more overlapping declaring public agencies have elected to make payments in lieu of taxes which in total produce more than the taxes applicable to property common to such agencies, such installments will be proportionately reduced so as to produce such taxes. The board shall immediately transmit certified copies of such resolution to the presiding officer of the governing body of each member public agency and declaring public agency.

SEC. 59. Section 310 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 310. Before the first day of September the controller of the district shall prepare and transmit to the auditor of each county in which property taxable by the district lies, a statement showing the tax rates to be applied to property taxable by the district. Such rates shall be the rates fixed by resolution of the board modified to the extent necessary to produce from each declaring public agency only the amount apportioned to it in such resolution, less any amount paid or undertaken to be paid by such agency, or credited thereto as provided in Chapter 2 (commencing with Section 331) of this part.

SEC. 60. Section 311 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 311. Upon receipt, pursuant to Section 310, by the auditor of each county of a certified copy of the controller's statement showing the tax rates to be applied to property taxable by the district, the county officers shall collect taxes for the benefit of the district at the rates specified. The taxes so levied shall be computed and collected at the time and in the manner required by law for the computation and collection of taxes for county purposes, and the property subject to such tax shall be subject to the same penalties for delinquency. The same provisions of law relating to the sale of property for nonpayment of county taxes and to redemption of such property shall apply to such tax levy. When so collected, such taxes including penalties for delinquency shall be paid over to the treasurer of the district.

SEC. 61. Section 315 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 315. Declaring public agencies are hereby authorized pursuant to the provisions of Chapter 2 (commencing with Section 331) of this part to pay to metropolitan water districts, out of funds derived from the sale of water or other funds not appropriated to some other use, such amounts as may be determined upon by the governing bodies, or other bodies, boards, commissions or officers having control of such funds. Any such payment in avoidance of taxes shall be credited to the appropriate member public agency or agencies. The amount of the payment so made by any such agency shall be deducted from the amount of taxes which would otherwise be levied against property lying in such agency as provided in Section 310. In the event that payment so made by any public agency shall exceed the amount of taxes which would otherwise have been levied against property within such agency, the amount of such excess without interest shall be carried over and applied in reduction of taxes levied during the ensuing year or years.

SEC. 62. Section 316 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 316. Any declaring public agency which incurs expenses in the investigation of or preliminary work upon any works or projects taken over by the district may receive, and the district so taking over any such works or projects may make to such agency, reimbursement for all such sums so expended, or to be expended, for expenses incurred in such investigation or preliminary work to the extent that the board shall find that such expenditures have benefited the district.

SEC. 63. Section 317 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 317. As an alternative to the purchase and sale of any works or projects taken over by the district any declaring public agency which incurs expenses in preliminary work in preparing for the incorporation of any district may certify the amount of such expenses, without interest, to the board at any time within four years from the date of the incorporation of the district, and if allowed by the board, such amount shall be credited to such agency, and shall be considered as a payment of money for which deduction shall be made pursuant to this part from the amount of taxes which would otherwise be levied against property lying within such agency. Such certification and allowance shall be made on or before the first Monday in July, and the amount of money to be raised by taxation shall be computed with reference to the credit to be allowed as provided in this section. Such credit may in the discretion of the board be considered in connection with the amount of money to be raised by the next tax levy or may be spread over subsequent years, not to exceed five.

SEC. 64. Section 318 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is repealed.

SEC. 65. Section 319 of the Metropolitan Water District Act, as proposed by Assembly Bill No 1257 of the 1969 Regular Session, is amended to read:

Sec. 319. No credit allowed by the board pursuant to Section 317 shall apply to reduce the amount of taxes which would otherwise be levied against the property within any declaring public agency to meet interest, principal and sinking fund requirements on bonded indebtedness of the district.

SEC. 66. Section 322 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 322. For the purpose of assessing and collecting, under the provisions of Section 9(a) of Article XIII of the Constitution of the State of California, the taxes levied by any district incorporated pursuant to this act, the rates: for

taxes levied for the preceding tax year, as such phrase is employed in such section of the Constitution, shall be the rates fixed for such preceding tax year by the board pursuant to Section 307.

SEC. 67. Section 331 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 331. On or before the 10th day of December in any year the governing body of any public agency may declare its intention to pay out of its agency funds the whole or a stated percentage of the amount of taxes to be derived from the area of the district within such agency, as such amount shall be fixed in the next succeeding August by resolution of the board. If such governing body shall so declare its intention to pay a stated percentage less than the whole of the amount of taxes so to be derived, such stated percentage shall be 1 percent or a whole multiple thereof. Such declaration of intention shall be made by order upon motion, which order shall recite that such agency, pursuant to the provisions of Section 336 will elect to pay the whole or such stated percentage of the amount of taxes of the district to be derived from such declaring public agency.

SEC. 68. Section 332 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 332. Immediately upon the adoption of a declaration of intention pursuant to Section 331 and not later than the 10th day of December in such year, a certified copy of the declaration shall be filed by such declaring public agency with the controller of the district, with the county assessor of the county within which such agency lies, and with the State Board of Equalization, accompanied in each instance by a statement of the creation of such agency or of the change of boundaries of such agency or of the part thereof within the district, setting forth the legal description of the boundaries of such agency as so created or so changed and of the part thereof within the district, together with a map or plat indicating such boundaries. Such statement and such map or plat need not accompany the respective certified copy of such declaration of intention so to be filed where such agency since its creation and the last change in boundaries of such agency and of the part thereof included within the district already has filed with the board of directors and with the county assessor and with the State Board of Equalization, as the case may be, pursuant to Section 382 or Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code or other applicable provisions of law, a statement of the creation of such agency or of the change of boundaries of such agency or of the part thereof within the district, setting forth the legal description of the boundaries of such agency as so created or

so changed and of the part thereof within the district, together with a map or plat indicating such boundaries.

SEC. 69. Section 333 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 333. Concurrently with the certification to the controller of the district pursuant to Section 332 of the declaration of intention, accompanied by such statement and map or plat where required, such declaring public agency shall transmit to the controller of the district a statement showing its financial condition as of the close of the fiscal year immediately preceding, the funds from which it is intended that such payment will be made and the sources of revenue to be used therefor, and not later than the 15th day of December in such year shall file with the controller proof that a certified copy of the declaration and such statement and map or plat have been filed with the county assessor and with the State Board of Equalization. In instances where such statement and map or plat are not required by Section 332 to accompany the certified copy of the declaration so filed, such proof shall evidence the fact that the requirements of Section 332 have been otherwise fulfilled.

SEC. 70. Section 335 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 335. If the declaration of intention is accepted pursuant to Section 334, the controller, on or before the 23rd day of December, shall so notify the State Board of Equalization and the county assessor of the county wherein such declaring public agency is situated, and any other officer whose duty it is to collect taxes under the provisions of Section 9(a) of Article XIII of the Constitution of the State of California. Thereupon the county assessor or other officer shall not collect in such agency prior to the next ensuing first day of September, the amount of such taxes for the benefit of the district that is to be paid out of the agency funds of such agency, as indicated in the declaration of intention.

SEC. 71. Section 336 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 336. On or before the 27th day of August of each year the governing body of each declaring public agency whose declaration of intention has been accepted pursuant to Section 334, may elect to pay out of the agency funds of such agency all or the stated percentage, as the case may be, of the amount of tax which would otherwise be levied upon property within such agency. Such election shall be made in strict compliance with, and fulfillment of, the declaration of intention made by such agency pursuant to Section 331.

SEC. 72. Section 337 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 337. Any election pursuant to Section 336 shall be made by order upon motion, which shall recite that such payment shall be made in cash concurrently with the certification of such order to the controller of the district, or that such payment shall be made in installments at such times and in such amounts as shall be in accordance with the requirements of the board adopted pursuant to Section 309. In the event that any declaring public agency shall adopt an order making any such election, it shall immediately certify to the controller of the district a copy of such order.

SEC. 73. Section 338 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 338. In the event any declaring public agency shall elect to pay in cash all or any portion of the amount of tax which would otherwise be levied upon property within such agency to meet interest, principal and sinking fund requirements on bonded indebtedness of such district, such amount so elected to be paid shall be deposited with the treasurer of the district on or before the 28th day of August next following such election, and unless such payment is so made in the case of interest, principal and sinking fund requirements on bonded indebtedness, such election shall be ineffective for any purpose.

SEC. 74. Section 339 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 339. If any declaring public agency whose declaration of intention has been accepted pursuant to Section 334 shall fail to make its intended election in accordance with Section 331 and in compliance with all applicable requirements, the controller of the district, on or before the first day of September, shall so notify the county auditor of the county in which such agency shall lie and thereupon the county assessor or county tax collector of said county or other officer whose duty it then is to collect such taxes, forthwith shall collect for the benefit of the district such taxes to the extent that such agency shall so fail to make its intended election to pay such taxes out of its agency funds. No penalties shall attach to such taxes as are collected by the first day of December.

SEC. 75. Section 340 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 340. If any declaring public agency fails to comply with the terms of the order electing to make payments to the district pursuant to this article in lieu of taxation, the amount of the delinquency, plus a penalty of 8 percent shall be added to the taxes to be collected during the ensuing fiscal year, from the property within such delinquent agency, and thereafter for a period of two years no order or ordinance shall be sufficient to exempt the property in such agency from taxation unless it be accompanied by payment in cash of the amount which would otherwise be collected from owners of

property within the agency, together with all moneys due but unpaid under any previous order.

SEC. 76. Section 377 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, is amended to read:

Sec. 377. If the territory sought to be annexed to the district has previously been annexed to, or consolidated with, such member public agency, the governing body of such agency, upon being advised of the action of the board consenting to annexation pursuant to Section 370, may annex the territory by compliance with the provisions of either (a) or (b) hereof.

(a) If 12 or more voters reside therein, the governing body may submit to the qualified electors of such territory at any general or special election held therein the proposition of such annexation subject to the terms and conditions fixed by the board. The provisions of Sections 353 and 354 hereof, respectively, regarding notice, conduct, canvassing, and certification of such an election shall be applicable.

(b) If less than 12 voters reside therein, and all property owners consent to annexation upon the terms and conditions fixed by the board, the governing body may, without notice or hearing, adopt a resolution ordering such territory annexed to the district and transmit a certified copy thereof to the secretary of the district, together with a legal description and map or plat of the boundaries of such territory. If less than all such property owners consent, the governing body may, after notice and hearing, adopt a resolution ordering such territory annexed to the district and transmit a certified copy thereof to the secretary of the district, together with a legal description and map or plat of the boundaries of such territory; provided that there is not on file at the conclusion of the hearing written protests by the owners of one-half of the value of such territory as shown by the last equalized assessment roll of the county in which such territory is situated. The notice of hearing on the proposed annexation shall be published once at least 15 days prior to the date for the hearing in a newspaper published in the member public agency in which the territory lies. Such notice shall refer to the proposed annexation and the terms and conditions therefor fixed by the board.

The provisions of Sections 355 and 356 shall thereafter be applicable to such proceedings, and for the purposes of this section, such provisions shall be deemed to refer to the territory sought to be annexed to the district pursuant to this article, rather than to the corporate area of any public agency sought to be annexed to the district pursuant to Article 1 (commencing with Section 350) of this chapter.

SEC. 77. Section 450 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session is amended to read:

Sec. 450. If any portion of the corporate area of any member public agency, shall be excluded from such agency

in accordance with the provisions of law applicable to such exclusions, then such excluded area shall thereby also be excluded from the corporate area of such metropolitan water district, but the taxable property within such excluded area shall continue to be taxable by the district for the purpose of paying the bonded or other indebtedness of the district outstanding or contracted for at the time of such exclusion and the balance of any indebtedness due the district under terms of annexation to the district.

SEC. 78. Chapter 3 (commencing with Section 455) is added to Part 7 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, to read:

CHAPTER 3. EXCHANGE OF TERRITORY

Sec. 455. Whenever two or more member public agencies of a district are subject to a reorganization of their boundaries under applicable provisions of law which would result in an exchange, but not an overlapping, of territory that is entirely within such district, the boundaries of such agencies within the district, upon completion of such reorganization and the filing with the secretary of the district of certificates thereof, shall constitute the boundaries of such member public agencies for all district purposes, without action by the board, and shall be so shown on any certificates relating to district boundaries thereafter filed under this part or applicable provisions of law. If such exchange includes territory subject to special conditions and tax levies pursuant to terms of annexation at the time such territory became a part of the district, such territory shall continue subject to such conditions and to be taxable by the district for such levies.

SEC. 79. This act shall become operative only if Assembly Bill No. 1257 of the 1969 Regular Session is enacted into law, in which case this act shall become operative at the same time as Assembly Bill No. 1257, except as provided in Section 80, and shall control over Assembly Bill No. 1257.

SEC. 80. It is the intent of the Legislature, if amendments proposed by both this bill and Senate Bill No. 1055 to Sections 242 and 252 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, are enacted, that the amendments made by both bills be given effect and incorporated in Sections 242 and 252 in the form set forth in Sections 36.5 and 42.5 of this act. Therefore, in the event Senate Bill No. 1055 is enacted, Sections 36.5 and 42.5 of this act shall become operative at the same time that Sections 242 and 252 as amended by Senate Bill No. 1055 become operative, and at that time, Sections 242 and 252 of the Metropolitan Water District Act, as proposed by Assembly Bill No. 1257 of the 1969 Regular Session, as amended by Sections 36 and 42 of this act are repealed.

CHAPTER 442

An act to amend Section 1946 of the Civil Code, relating to notice.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969]

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

SECTION 1. Section 1946 of the Civil Code is amended to read:

1946. A hiring of real property, for a term not specified by the parties, is deemed to be renewed as stated in the last section, at the end of the term implied by law unless one of the parties gives written notice to the other of his intention to terminate the same, at least as long before the expiration thereof as the term of the hiring itself, not exceeding 30 days; provided, however, that as to tenancies from month to month either of the parties may terminate the same by giving at least 30 days' written notice thereof at any time and the rent shall be due and payable to and including the date of termination. It shall be competent for the parties to provide by an agreement at the time such tenancy is created that a notice of the intention to terminate the same may be given at any time not less than seven days before the expiration of the term thereof. The notice herein required shall be given in the manner prescribed in Section 1162 of the Code of Civil Procedure or by sending a copy by certified or registered mail addressed to the other party. In addition, the lessee may give such notice by sending a copy by certified or registered mail addressed to the agent of the lessor to whom the lessee has paid the rent for the month prior to the date of such notice or by delivering a copy to the agent personally.

CHAPTER 443

An act to amend Section 1658 of the Insurance Code, relating to insurance.

[Approved by Governor July 8, 1969 Filed with Secretary of State July 8, 1969]

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

SECTION 1. Section 1658 of the Insurance Code is amended to read:

1658. Each application for a license shall contain the principal business address of the applicant.

CHAPTER 444

An act to add Section 38742 to the Agricultural Code, relating to dietetic fruit yogurt.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 38742 is added to the Agricultural Code, to read:

38742. Dietetic fruit yogurt is yogurt which contains not less than 8 percent by weight of clean and mature fruit or its equivalent in other forms. Its milk fat content may be reduced to not less than 1.3 percent, and may contain a harmless edible stabilizer not to exceed 0.6 percent.

CHAPTER 445

An act to amend Section 75.7 of the Streets and Highways Code, relating to freeways.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 75.7 of the Streets and Highways Code is amended to read:

75.7. Upon the selection, adoption, and determination of the location for a state highway or freeway, the commission shall prepare and disseminate to interested persons and public agencies a report thereon which shall contain the basis for its decision, including, but not limited to, the consideration given to the following factors:

(a) Driver benefits.
(b) Community values.
(c) Recreational and park areas.
(d) Historical and aesthetic values.
(e) Property values, including impact on local tax rolls.
(f) State and local public facilities.
(g) City street and county road traffic.
(h) Total projected regional transportation requirements.
(i) Information furnished by any school district.

CHAPTER 446

An act to amend Section 170 of the Code of Civil Procedure, relating to disqualification of judges.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 170 of the Code of Civil Procedure is amended to read:

170. No justice or judge shall sit or act as such in any action or proceeding:

1. To which he is a party; or in which he is interested other than as a holder or owner of any capital stock of a corporation, or of any bond, note or other security issued by a corporation;

2. In which he is interested as a holder or owner of any capital stock of a corporation, or of any bond, note or other security issued by a corporation;

3. When he is related to either party, or to an officer of a corporation, which is a party, or to an attorney, counsel, or agent of either party, by consanguinity or affinity within the third degree computed according to the rules of law, or when he is indebted, through money borrowed as a loan, to either party, or to an attorney, counsel or partner of either party, or when he is so indebted to an officer of a corporation or unincorporated association which is a party; provided, however, that if the parties appearing in the action and not then in default, or the petitioner in any probate proceeding, or the executor, or administrator of the estate, or the guardian of the minor or incompetent person, or the commissioner, or the referee, or the attorney for any of the above named, or the party or his attorney in all other or special proceedings, shall sign and file in the action or matter, a stipulation in writing waiving the disqualification mentioned in this subdivision or in subdivisions 2 or 4 hereof, the judge or court may proceed with the trial or hearing and the performance of all other duties connected therewith with the same legal effect as if no such disqualification existed;

4. When, in the action or proceeding, or in any previous action or proceeding involving any of the same issues, he has been attorney or counsel for any party; or when he has given advice to any party upon any matter involved in the action or proceeding; or when he has been retained or employed as attorney or counsel for any party within two years prior to the commencement of the action or proceeding;

5. When it is made to appear probable that, by reason of bias or prejudice of such justice or judge a fair and impartial trial cannot be had before him.

Whenever a judge or justice shall have knowledge of any fact or facts, which, under the provisions of this section, disqualify him to sit or act as such in any action or proceeding pending before him, it shall be his duty to declare the same in open court and cause a memorandum thereof to be entered in the minutes or docket. It shall thereupon be the duty of the clerk, or the judge if there be no clerk, to transmit forthwith a copy of such memorandum to each party, or his attorney, who

shall have appeared in such action or proceeding, except such party or parties as shall be present in person or by attorney when the declaration shall be made.

In justice courts when, before the trial, either party makes and files an affidavit that he believes that he cannot have a fair and impartial trial before the judge before which the action is pending, by reason of the interest, prejudice or bias of the judge, the court may order the transfer of the action, and the provisions of Section 398 shall apply to such transfer.

Whenever a judge of a court of record who shall be disqualified under the provisions of this section, to sit or act as such in any action or proceeding pending before him, neglects or fails to declare his disqualification in the manner hereinbefore provided, any party to such action or proceeding who has appeared therein may present to the court and file with the clerk a written statement objecting to the hearing of such matter or the trial of any issue of fact or law in such action or proceeding before such judge, and setting forth the fact or facts constituting the ground of the disqualification of such judge. Copies of such written statement shall forthwith be served by the presenting party on each party, or his attorney, who has appeared in the action or proceeding and on the judge alleged in such statement to be disqualified.

Within 10 days after the filing of any such statement, or 10 days after the service of such statement as above provided, whichever is later in time, the judge alleged therein to be disqualified may file with the clerk his consent in writing that the action or proceeding be tried before another judge, or may file with the clerk his written answer admitting or denying any or all of the allegations contained in such statement and setting forth any additional fact or facts material or relevant to the question of his disqualifications. The clerk shall forthwith transmit a copy of the judge's consent or answer to each party or his attorney who shall have appeared in such action or proceeding. Every such statement and every such answer shall be verified by oath in the manner prescribed by Section 446 for the verification of pleadings. The statement of a party objecting to the judge on the ground of his disqualification, shall be presented at the earliest practicable opportunity, after his appearance and discovery of the facts constituting the ground of the judge's disqualification, and in any event before the commencement of the hearing of any issue of fact in the action or proceeding before such judge.

No judge of a court of record, who shall deny his disqualification, shall hear or pass upon the question of his own disqualification; but in every such case, the question of the judge's disqualification shall be heard and determined by some other judge agreed upon by the parties who shall have appeared in the action or proceeding, or, in the event of their failing to agree, by a judge assigned to act by the Chairman

of the Judicial Council, and, if the parties fail to agree upon a judge to determine the question of the disqualification, within five days after the expiration of the time allowed herein for the judge to answer, it shall be the duty of the clerk then to notify the Chairman of the Judicial Council of that fact; and it shall be the duty of the Chairman of the Judicial Council forthwith, upon receipt of notice from the clerk, to assign some other judge, not disqualified, to hear and determine the question.

If such judge admits his disqualification, or files his written consent that the action or proceeding be tried before another judge, or fails to file his answer within the five days herein allowed, or if it shall be determined after hearing that he is disqualified, the action or proceeding shall be heard and determined by another judge or justice not disqualified, who shall be agreed upon by the parties, or, in the event of their failing to agree, assigned by the Chairman of the Judicial Council; provided, however, that when there are two or more judges of the same court, one of whom is disqualified, the action or proceeding may be transferred to a judge who is not disqualified.

A judge who is disqualified may, notwithstanding his disqualification, request another judge, who has been agreed upon by the parties, to sit and act in his place.

6. In an action or proceeding brought in any court by or against the Reclamation Board of the State of California, or any irrigation, reclamation, levee, swampland or drainage district, or trustee, officer or employee thereof, affecting or relating to any real property, or an easement or right-of-way, levee, embankment, canal, or any work provided for or approved by the Reclamation Board of the State of California, a judge of the superior court of the county, or a judge of the municipal court or justice court of the judicial district, in which such real property, or any part thereof, or such easement or right-of-way, levee, embankment, canal or work, or any part thereof is situated shall be disqualified to sit or act, and such action shall be heard and tried by some other judge assigned to sit therein by the Chairman of the Judicial Council, unless the parties to the action shall sign and file in the action or proceeding a stipulation in writing, waiving the disqualification in this subdivision of this section provided, in which case such judge may proceed with the trial or hearing with the same legal effect as if no such legal disqualification existed. If, however, the parties to the action shall sign and file a stipulation, agreeing upon some other judge to sit or act in place of the judge disqualified under the provisions of this subdivision, the judge agreed upon shall be called by the judge so disqualified to hear and try such action or proceeding; provided, that nothing herein contained shall be construed as preventing the judge of the superior court of such county, or of the municipal court of such judicial district, from issuing a tempo-

rary injunction or restraining order, which shall, if granted, remain in force until vacated or modified by the judge designated as herein provided.

7. When, as a judge of a court of record, by reason of permanent or temporary physical impairment, he is unable to properly perceive the evidence or properly conduct the proceedings.

8. Notwithstanding anything contained in subdivision 6 of this section, a judge of the superior court or a judge of the municipal court or justice court of the judicial district, in which any real property is located, shall not be disqualified to hear or determine any matter in which the opposing party shall have failed to appear within the time allowed by law, or as to such of the opposing parties who shall have failed to appear within the time allowed by law, and as to which matter or parties the same shall constitute purely a default hearing; provided, that nothing in this section contained shall be construed as preventing the judge of the superior court of such county, or of the municipal court of such judicial district, from issuing an order for immediate possession in proceedings in eminent domain.

Nothing in this section contained shall affect a party's right to a change of the place of trial in the cases provided for in Title 4 (commencing with Section 392) of Part 2 of this code.

CHAPTER 447

An act to amend Sections 6006.5 and 6281 of the Revenue and Taxation Code, relating to sales and use taxes.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 6006.5 of the Revenue and Taxation Code is amended to read:

6006.5. "Occasional sale" includes:

(a) A sale of property not held or used by a seller in the course of activities for which he is required to hold a seller's permit or permits or would be required to hold a seller's permit or permits if the activities were conducted in this state, provided such sale is not one of a series of sales sufficient in number, scope and character to constitute an activity for which he is required to hold a seller's permit or would be required to hold a seller's permit if the activity were conducted in this state; and

(b) Any transfer of all or substantially all the property held or used by a person in the course of such activities when after such transfer the real or ultimate ownership of such property is substantially similar to that which existed before

such transfer. For the purposes of this section, stockholders, bondholders, partners, or other persons holding an ownership interest in a corporation or other entity are regarded as having the "real or ultimate ownership" of the property of such corporation or other entity.

SEC. 2. Section 6281 of the Revenue and Taxation Code is amended to read:

6281. 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, a vehicle required to be registered under the Vehicle Code or a vessel or aircraft, when such property is included in any transfer of all or substantially all the property held or used in the course of business activities of the person selling the property, and when after such transfer the real or ultimate ownership of such property is substantially similar to that which existed before such transfer. For the purposes of this section, stockholders, bondholders, partners, or other persons holding an interest in a corporation or other entity are regarded as having the "real or ultimate ownership" of the property of such corporation or other entity.

CHAPTER 448

An act to amend Sections 43804, 43805, 43806, and 43807 of the Agricultural Code, relating to apples.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 43804 of the Agricultural Code is amended to read:

43804. The "fancy" grade consists of well-grown, properly matured but not overripe apples of one variety which are handpicked, clean, fairly well colored, fairly well formed, free from decay, visible Baldwin spot, Jonathan spot, soft scald, internal breakdown, visible watercore, broken skin, and insect pests (except San Jose and similar scales); and free from appreciable damage caused by limb rub, spray burn, bruises (except such bruises as are necessarily caused in proper sorting or packing), sunscald, sunburn, russeting, drought spot, hail mark, frost injury, internal browning, apple scab, flyspeck fungus, stem or calyx cracks, insect pests, and other diseases or defects.

SEC. 2. Section 43805 of the Agricultural Code is amended to read:

43805. As used in this article "appreciable damage" means any injury or defect which appreciably affects the appearance or quality of the apple. The following defects are not appreciable damage:

(a) Limb rubs that are not soft or do not exceed an aggregate area of three-fourths inch in diameter.

(b) Sunscald, sunburn, and spray burn if the normal color of the skin is but slightly changed, and there is no blistering or cracking of the skin, and not more than a trace of discoloration in the flesh.

(c) Russeting that is excessively rough or barklike, and the aggregate area does not exceed three-fourths inch in diameter.

Russeting that is not excessively rough, and does not appear on more than 15 percent of the surface of any one apple in the aggregate, except in the case of all Pippins and Greenings, when it does not appear on more than 25 percent of the surface of any one apple in the aggregate.

Russeting in the stem cavity that cannot be seen when the apple is placed, stem end down on a flat surface, and viewed from the side of the apple at eye level, shall not be considered when determining the degree of damage due to russeting.

(d) Drought spots where the surface of the apple is only slightly discolored, depressed, and is no more than three-sixteenths of an inch in depth or affects an aggregate area not to exceed one-half inch in diameter.

(e) Hail marks if such marks do not exceed two in number on any one apple and the injury is superficial and the skin has not been broken.

(f) Frost injury that is not more than skindeep and affects an aggregate area that does not exceed one-half of an inch in diameter.

(g) Internal browning that shows not more than a trace of discoloration in the flesh.

(h) Scab spots on any apple that in the aggregate do not exceed one-fourth of one inch in diameter.

(i) Slight flyspeck fungus.

(j) Two well-healed casebearer, codling moth, or aphid stings on an apple, neither of which exceed one-eighth of an inch in diameter exclusive of any encircling green ring.

(k) Stinkbug injury that does not exceed an aggregate area of three-fourths inch diameter on an individual apple.

(*l*) San Jose and similar scales or marks when the number occurring on a green or yellow surface does not exceed three, or when occurring on a red surface not to exceed five.

(m) Stem or calyx cracks that are well healed and do not exceed one-fourth inch in aggregate length.

SEC. 3. Section 43806 of the Agricultural Code is amended to read:

43806. The "C" grade consists of properly matured but not overripe apples of one variety which are handpicked, virtually clean, free from decay, soft scald, internal breakdown, visible watercore, broken skin, and insect pests (except San Jose and similar scales); and free from serious damage caused by visible Baldwin spot, Jonathan spot, sunscald, sunspots, sunburn, spray burn, hail marks, frost injury, internal browning, bruises (except such bruises as are necessarily

caused in proper sorting or packing), apple scab, insect pests, stem or calyx cracks, storage scald, Jonathan freckle, and other diseases and defects.

SEC. 4. Section 43807 of the Agricultural Code is amended to read:

43807. As used in this article, "serious damage" means any injury or defect that seriously detracts from the appearance or quality of the apple. The following defects are not serious damage:

(a) Jonathan spot or Baldwin spot, that affects apples of the Newtown Pippin and Bellefleur varieties if no more than 25 percent, by count, of such apples in any one container or bulk lot are affected by no more than three spots each of either or both of such defects. Jonathan spot or visible Baldwin spot in any extent is serious in all other varieties of apples.

(b) Sunscald, sunburn, sunspots and spray burn, if there is no blistering or cracking of the skin or where the flesh is not seriously discolored or injured.

(c) Hail marks or frost injury, when such defects do not cover more than an aggregate area of one-tenth of the surface of the apple or materially deform or disfigure the fruit.

(d) Internal browning, that cannot be detected by external examination or pressure.

(e) Scab spots on any one apple that in the aggregate do not exceed one-half of one inch in diameter.

(f) Five well-healed casebearer, codling moth, or aphid stings on an apple, none of which may exceed one-eighth of an inch in diameter exclusive of any encircling green ring.

(g) Stinkbug injury that does not exceed an aggregate area of one and one-half inch diameter on an individual apple.

(h) Jonathan freckle on any one apple that in the aggregate does not exceed one-half of one inch in diameter.

(i) San Jose and similar scales or marks thinly scattered over not to exceed 10 percent of the surface.

(j) Stem or calyx cracks that are well healed and do not exceed one-half inch aggregate length.

CHAPTER 449

An act to amend Sections 68, 69, and 72 of, and to add Section 72.1 to, the Antelope Valley-East Kern Water Agency Law (Chapter 2146 of the Statutes of 1959), relating to the Antelope Valley-East Kern Water Agency.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 68 of the Antelope Valley-East Kern Water Agency Law (Chapter 2146 of the Statutes of 1959) is amended to read:

Sec. 68. Whenever the board of directors deems it necessary for the agency to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works or property mentioned in this act, the board shall, by resolution, so declare and call an election to be held in said agency for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of said agency. Said resolution shall state: (a) the purpose for which the proposed debt is to be incurred, which may include expenses of all proceedings for the authorization, issuance and sale of the bonds; (b) the amount of debt to be incurred; (c) the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years; (d) the maximum rate of interest to be paid, which shall not exceed 6 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of said year; (e) the measure to be submitted to the voters; (f) the date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred; and (g) the designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct. The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election, the last publication to be made not less than two weeks prior to the date of the proposed election, in at least one newspaper published in such agency, then such resolution shall be posted in three public places in such agency not less than two weeks prior to the date of the proposed election. No other notice of such election need be given. The returns of such election shall be made, the votes canvassed by said board of directors within seven days following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code, so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted.

Any action or proceeding, wherein the validity of any such bonds or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of such election; otherwise, said bonds and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

SEC. 2. Section 69 of the Antelope Valley-East Kern Water Agency Law (Chapter 2146 of the Statutes of 1959) is amended to read:

Sec. 69. Whenever the board of directors deems it necessary to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works or property mentioned in this act and to provide for such bonded indebtedness to be payable from taxes levied upon less than all of the agency, the board shall, by resolution, so declare and state: (a) the purpose for which the proposed debt is to be incurred; (b) the amount of debt to be incurred, which may include expenses of all proceedings for the authorization, issuance and the sale of the bonds; (c) that the board intends to form an improvement district of a portion of the agency which in the opinion of the board will be benefited, the exterior boundaries of which portion are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and to call an election in such proposed improvement district on a date to be fixed, for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for said improvement district; (d) that taxes for the payment of said bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district; (e) that a general description of the proposed improvement, together with a map showing the exterior boundaries of said proposed improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement is on file with the secretary of the agency and is available for inspection by any person or persons interested; (f) the time and place for a hearing by the board on the questions of the formation of said proposed improvement district, the extent thereof, the proposed improvement and the amount of debt to be incurred; and (g) that at the time and place specified in the resolution any person interested, including all persons owning property in the agency or in the proposed improvement district, will be heard. Notice of said hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper printed and published in the Antelope Valley-East Kern Water Agency, if there is a newspaper printed and published in such agency. Such notice shall also be given by posting a copy of said resolution in six public places within the proposed improvement district at least two weeks before the time fixed for said hearing.

At the time and place so fixed, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the agency or within the proposed improvement district, may appear and present any

matters material to the questions set forth in the resolution declaring the necessity for incurring the bonded indebtedness. The board shall have power to change the purpose for which the proposed debt is to be incurred, or the amount of bonded debt to be incurred, or the boundaries of said proposed improvement district, or one or all of said matters; provided, however, that said board shall not change such boundaries so as to include any territory which will not, in its judgment, be benefited by said improvement.

The purpose, amount of bonded debt or boundaries shall not be changed by said board except after notices of its intention to do so, given by publication pursuant to Section 6061 of the Government Code in a newspaper printed and published in said Antelope Valley-East Kern Water Agency, if there is a newspaper printed and published in such agency, and by posting in six public places within said proposed improvement district. Said notice shall state the changed purpose and debt proposed and that the exterior boundaries as proposed to be changed are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and specify the time and place for hearing on such change, which time shall be at least 10 days after publication or posting of said notice. At the time and place so fixed, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the agency or the proposed improvement district, may appear and present any matters material to the changes stated in the notice. At the conclusion of the hearing the board shall by resolution determine whether it is deemed necessary to incur the bonded indebtedness, and, if so, the resolution shall also state the purpose for which said proposed debt is to be incurred, the amount of the proposed debt, that the exterior boundaries of the portion of the agency which will be benefited are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the improvement district, and that said portion of the agency set forth on said map shall thereupon constitute and be known as "Improvement District No. _____ of Antelope Valley-East Kern Water Agency," and the determinations made in said resolution shall be final and conclusive. After the formation of such improvement district within the Antelope Valley-East Kern Water Agency pursuant to this section, all proceedings for the purpose of a bond election shall be limited, and shall apply only to the improvement district, and taxes for the payment of said bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district.

After the board has made its determination of the matters required to be determined by said last mentioned resolution, and if the board deems it necessary to incur the bonded in-

debtedness, the board shall by a further resolution call a special election in said improvement district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for said improvement district. Said resolution shall state: (a) that the board deems it necessary to incur the bonded indebtedness; (b) the purpose for which the bonded indebtedness will be incurred; (c) the amount of debt to be incurred; (d) the improvement district to be benefited by said indebtedness, as set forth in the resolution making determinations, and that a map showing the exterior boundaries of said improvement district is on file with the secretary of the agency, which map shall govern for all details as to the extent of the improvement district; (e) that taxes for the payment of such bonds and the interest thereon shall be levied exclusively upon the taxable property in said improvement district; (f) the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years; (g) the maximum rate of interest to be paid, which shall not exceed 6 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of the said year; (h) the measure to be submitted to the voters; (i) the date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred; and (j) the designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct.

The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election prior to the date of the proposed election in at least one newspaper printed and published in the Antelope Valley-East Kern Water Agency, if there is a newspaper printed and published in such agency. Such resolution shall also be posted in three public places in such improvement district not less than two weeks prior to the date of the proposed election. No other notice of such election need be given.

The returns of such election shall be made, the votes canvassed by said board of directors within seven days following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted.

Any action or proceeding, wherein the validity of the formation of the improvement district or of any such bonds or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of such election; otherwise, said bonds and all proceedings in relation thereto, including the formation of the improvement district, shall be held to be valid and in every respect legal and incontestable.

SEC. 3. Section 72 of the Antelope Valley-East Kern Water Agency Law (Chapter 2146 of the Statutes of 1959) is amended to read:

Sec. 72. If from such returns it appears that more than two-thirds of the votes cast in such election held pursuant to the provisions of Section 68 or of Section 69 of this act, were in favor of and assented to the incurring of such indebtedness, then the board of directors may, by resolution, at such time or times as it deems proper, issue bonds of the agency for the whole or any part of the amount of the indebtedness so authorized, and may from time to time provide for the issuance of such amounts as the necessity thereof may appear, until the full amount of such bonds authorized shall have been issued. Said full amount of bonds may be divided into two or more series and different dates fixed for each of the series. The maximum term which the bonds of any series shall run before maturity shall not exceed 40 years from the date of each series respectively.

The board of directors shall, by resolution, prescribe the form of the bonds and the form of the coupons attached thereto and fix the time when the whole or any part of the principal shall become due and payable. The payment of the first installment of principal may be deferred for a period of not more than five years from the date of the bonds or the date of the bonds of each series respectively. The bonds shall bear interest at a rate or rates not to exceed 6 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of said year. The board of directors may also provide for call and redemption of bonds prior to maturity at such times and prices and upon such other terms as it may specify. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect or unless a statement to that effect is printed thereon.

The denomination of the bonds shall be stated in the resolution providing for their issuance, but shall not be less than one hundred dollars ($100). The principal and interest shall be payable in lawful money of the United States at the office of the treasurer of the district or such other place or places as may be designated, or at either place or places at the option of the holder of the bond.

The bonds shall be dated, numbered consecutively, and be signed by the president and treasurer of the agency, countersigned by the secretary of the agency, and the official seal of

the agency attached. The interest coupons of such bonds shall be signed by the treasurer of said agency. All such signatures and countersignatures may be printed, lithographed or mechanically reproduced, except that one of said signatures or countersignatures to said bonds shall be manually affixed.

If the bond election proceedings have been limited to and have applied only to an improvement district within said district, said bonds are bonds of the agency and shall be issued in the name of the agency and shall be designated "Bonds of the Antelope Valley-East Kern Water Agency for Improvement District No. _____" and each bond and all interest coupons thereof shall state that taxes levied for the payment thereof shall be levied exclusively upon the taxable property in said improvement district.

Before selling the bonds, or any part thereof, the board of directors shall give notice inviting sealed bids in such manner as it may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if said board determines that the bids received are not satisfactory as to price or responsibility of the bidders, it may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

The proceeds arising from the sale of bonds shall be paid into the treasury of the agency and placed to the credit of a special improvement fund and expended only for the purpose for which the indebtedness was created; provided, however, that when said purpose has been accomplished any moneys remaining in said special improvement fund may be transferred to the fund to be used for the payment of principal of and interest on the bonds. Said remaining moneys remaining from the sale of bonds of the agency may also be used for some other agency purpose. Such moneys remaining from the sale of bonds of the agency for an improvement district therein may also be used for any purpose which will benefit the property in the improvement district. Said moneys may not be used for said other agency purpose or improvement district purpose until two-thirds of the qualified voters of said agency or improvement district have consented thereto at a special election called in said agency or improvement district by the board of directors. Notice of said election shall be given in the manner provided for bond elections in said agency or improvement district, as the case may be, and in other respects the election shall be conducted as are other agency elections.

SEC. 4. Section 72.1 is added to the Antelope Valley-East Kern Water Agency Law (Chapter 2146 of the Statutes of 1959), to read:

Sec. 72.1. The board may, without a vote of the electors, provide for the issuance of, and issue, general obligation bonds of an improvement district thereof subject to the following conditions:

(a) The principal amount of such bonds does not exceed the then unissued balance of the principal amount of bonds

authorized at an election held in Improvement District No. 1 on November 26, 1963, or at an election held in Improvement District No. 3 on November 24, 1964.

(b) The bonds are issued for the same purpose as that for which the unissued bonds referred to in subdivision (a) were authorized.

(c) The bonds are issued in accordance with the provisions of this act, 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 6 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, the unissued bonds referred to in subdivisions (a) and (b) of this section in a principal amount at least equal to the principal amount of bonds issued pursuant to this section, shall be canceled by order of the board and shall not be issued.

CHAPTER 450

An act to amend Section 7 of, and to add Sections 7.1, 7.2, 7.3, and 7.4 to, the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915), relating to the Los Angeles County Flood Control District.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 7 of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915) is amended to read:

Sec. 7. The said board of supervisors shall, subject to the provisions of this act, prescribe by ordinance the form of said bonds, and of the interest coupons attached thereto. As to any bond issue authorized pursuant to this act prior to January 1, 1970, the bonds shall be payable substantially in the following manner: A part to be determined by said board, and which shall not be less than one-fortieth part of the whole amount of such indebtedness, shall be payable each and every year on a day and date, and at a place to be fixed by said board, and designate in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

As to any bond issue authorized pursuant to this act following January 1, 1970, 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; provided, that the earliest maturity of each issue or series, as the case may be shall not be more than two years from

the date of the bonds of said issue or series. The final maturity date of any bond shall not exceed 40 years from the date of the bond. Every year beginning with the date of the earliest maturity of each issue or series of bonds, as the case may be, not less than one-fortieth of the whole of the indebtedness evidenced by such issue or such series shall be payable.

The bonds shall be issued in such denominations as the said board of supervisors may determine and shall be payable on the day and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of 6 per centum per annum, and shall be payable semiannually, and said bonds shall be signed by the chairman of the board of supervisors, and countersigned by the auditor of said Los Angeles County, and the seal of said district shall be affixed thereto. 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. The interest coupons of said bonds shall be numbered consecutively and signed by the auditor of said Los Angeles 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 signature or countersignature 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. 2. Section 7.1 is added to the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915), to read:

Sec. 7.1. As to any bond issue authorized pursuant to this act following January 1, 1970, in the resolution providing for the issuance of the bonds, the board may provide for the call and redemption of all or any part of the bonds on any interest payment date prior to their fixed maturity, at their par value plus a specified premium, if any, and accrued interest. The bonds to be called for redemption prior to maturity shall be selected in such manner as the board may provide in said resolution. If a bond is subject to call and redemption a statement to that effect shall be set forth on the face of the bond.

SEC. 3. Section 7.2 is added to the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915), to read:

Sec. 7.2. As to any bond issue authorized pursuant to this act following January 1, 1970, notice of redemption shall be published at such time and in such manner as the board may provide in the resolution providing for the issuance of the bonds.

SEC. 4. Section 7.3 is added to the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915), to read:

Sec. 7.3. As to any bond issue authorized pursuant to this act following January 1, 1970, if funds are made available for the payment of the principal, interest, and premium on the bonds called, the interest on the bonds shall cease after the date fixed for redemption.

SEC. 5. Section 7.4 is added to the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915), to read:

Sec. 7.4. As to any bond issue authorized pursuant to this act following January 1, 1970, the board may authorize by resolution the issuance of refunding bonds in a principal amount sufficient to provide funds for the payment of all bonds to be refunded thereby, and in addition for the payment of all expenses incident to the calling, retiring or paying of such outstanding bonds and the issuance of such refunding bonds. These expenses include any amount necessary to be made available for the payment of interest upon such refunding bonds from the date upon which the bonds to be refunded will be paid pursuant to the call thereof or agreement with the holders thereof, and the premium, if any, necessary to be paid in order to call or retire the outstanding bonds and the interest accruing thereon to the date of recall or retirement.

CHAPTER 451

An act to amend Section 143.1 of the Streets and Highways Code, relating to expenditure of funds for state highways.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 143.1 of the Streets and Highways Code is amended to read:

143.1. The department shall make, at least 30 days before each regular session of the Legislature, a budget report to the Governor.

The commission shall prepare for inclusion, and the department shall include, in said report a statement of all estimated State Highway Fund revenues and revenues available from any other sources and estimated regular federal aid for the next succeeding fiscal year, together with a statement of proposed expenditures or obligations to be incurred during the next succeeding fiscal year for the construction, improvement, and maintenance of the various highways or portions thereof

under the jurisdiction of the department under the following headings:

(a) Administration, including payments for services of the Legal Division.

(b) Maintenance.

(c) Major Construction and Improvement. Under this will be shown all proposed expenditures or obligations to be incurred in each county group for major construction and improvement, segregating the route of each highway to be constructed or improved, the county in which located, the number of miles involved, and a description of the type of work to be done.

(d) Minor Improvement and Betterment. This heading will show the total proposed expenditures and obligations to be incurred for each county group for minor improvement and betterment.

(e) Contingencies.

(f) Rights-of-Way. This will show the approximate amount of money needed for the purchase of rights-of-way in each county group.

(g) Other proposed expenditures, including preliminary engineering.

The said report as submitted by the department shall be included in the printed fiscal year budget submitted to the Legislature. It shall constitute as submitted the complete and detailed budget submitted to the Department of Finance pursuant to Section 13320 of the Government Code. Said budget shall be administered by the Department of Finance as the fiscal year budget of the Division of Highways under the provisions of this section and of Article 2 (commencing with Section 13320) of Chapter 3 of Part 3 of Division 3 of Title 2 of the Government Code. In the case of any inconsistency, the provisions of this section shall control.

All changes or modifications in the budget shall be by vote of the commission, approved by the Director of Finance where required by this section.

Funds may be transferred from Item (e), Contingencies, to other items by vote of the commission, but no increase or decrease shall be otherwise made in any of Items (a) to (g), inclusive, of said budget without the approval of the Director of Finance. No project shown under Item (c) shall be eliminated and no new project shall be added to Item (c) of the budget without the approval of the Director of Finance. If it is necessary to eliminate or postpone any project shown under Item (c) to meet an emergency caused by floods, earthquake or other like cause or on account of decreased revenue or on account of increased costs on other work, the commission may eliminate or postpone such project upon the written approval of the Director of Finance.

In the event, during an annual period, the budgetary amount approved and allocated by the commission for any purpose ex-

ceeds the amount actually necessary therefor, with a resultant available surplus, such surplus may be allocated by the commission to any other purpose or supplemental project upon the written approval of the Director of Finance.

In administering said budget, the Director of Finance shall not limit expenditures or incurrence of obligations thereunder to quarterly, semiannual or other periods of the fiscal year and shall not require any greater detail than that specified in this section and in Section 143.2.

Construction and improvement projects, including cooperative projects and day labor work, for which funds are available during any fiscal year, may be commenced by award of contract or as otherwise authorized by law on and after the first day of January preceding the beginning of the fiscal year.

CHAPTER 452

An act to amend Section 35561.4 of the Government Code, relating to city boundaries.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 35561.4 of the Government Code is amended 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. The city clerk shall cause notice of the proposed exclusion to be published at least once in a newspaper of general circulation published in the city. Publication shall be completed at least 10 days prior to the day set for the hearing. 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 453

An act to amend Sections 9160, 9210 and 9444 of the Elections Code, relating to political parties.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 9160 of the Elections Code is amended to read:

9160. The state central committee shall consist of:

(a) All delegates to the state convention other than those specified in subdivision (*l*) of Section 9010.

(b) The chairman of each county central committee of the party.

(c) Members appointed pursuant to this part.

(d) The national committeeman and national committeewoman of the party.

(e) Any person elected to fill a vacancy in the State Legislature in a special election.

(f) Immediate past chairman of this committee.

SEC. 2. Section 9210 of the Elections Code is amended to read:

9210. The first meeting of this committee shall convene at a suitable location in the City of Sacramento at 10 o'clock a.m. on a date designated by the chairman of the committee, but not less than 15 days nor more than 45 days after the organizational meetings of the county central committees. The location shall be designated by the executive committee of the state central committee, or, if the executive committee does not meet, by the chairman of the committee, and the Secretary of State shall be notified of the selection at least six weeks in advance of the meeting of the committee.

SEC. 3. Section 9444 of the Elections Code is amended to read:

9444. If the chairman of a committee refuses to call a meeting, a meeting may be called upon five days' notice by a majority of the members of the committee.

In each county the county clerk, within three days after a committee meets as provided for in Section 9420, shall ascertain who is the newly elected chairman of the committee and shall mail a certificate to that effect to the Secretary of State.

CHAPTER 454

An act to add Sections 8514.5 and 9014.5 to, and to amend Sections 8669 and 9170 of, the Elections Code, relating to political parties.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 8514.5 is added to the Elections Code, to read:

8514.5. Vacancies filled by a county central committee pursuant to subdivision (a) or subdivision (b) of Section 8514, shall be filled not less than six weeks prior to the state convention.

SEC. 2. Section 8669 of the Elections Code is amended to read:

8669. Should a member appointed to membership pursuant to Section 8661 or 8662 cease to be a member for any of the reasons specified in Section 8668, the vacancy shall be filled by the person who appointed him, unless that person is himself no longer a member of this committee or indicates that he does not wish to fill the vacancy, in which instances the committee shall do so.

Notice shall be given by the committee to a person entitled to fill a vacancy under this section as soon as possible after the occurrence of the vacancy and vacancies shall be filled not less than three days preceding the first meeting of the committee. The committee shall notify in writing the Secretary of State of all appointments made pursuant to this section.

SEC. 3. Section 9014.5 is added to the Elections Code, to read:

9014.5. Vacancies filled by a county central committee pursuant to subdivision (a) or subdivision (b) of Section 9014, shall be filled not less than six weeks prior to the state convention.

SEC. 4. Section 9170 of the Elections Code is amended to read:

9170. Should a member appointed to membership pursuant to Sections 9161, 9162, or 9163, cease to be a member for any of the reasons specified in Section 9169, the vacancy shall be filled by the person who appointed him, unless that person is himself no longer a member of this committee or indicates that he does not wish to fill the vacancy, in which instances the committee shall do so.

Notice shall be given by the committee to a person entitled to fill a vacancy under this section as soon as possible after the occurrence of the vacancy and vacancies shall be filled not less than three days preceding the first meeting of the committee. The committee shall notify in writing the Secretary of State of all appointments made pursuant to this section.

CHAPTER 455

An act to amend Section 8103, and to add Sections 8742.5 and 9242.5 to the Elections Code, relating to state central committees.

[Approved by Governor July 8, 1969 Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 8742.5 is added to the Elections Code, to read:

8742.5. When a proxy is filed with the Secretary of State he shall immediately forward it to the chairman of the state central committee or his designate.

SEC. 2. Section 9242.5 is added to the Elections Code, to read:

9242.5. When a proxy is filed with the Secretary of State he shall immediately forward it to the chairman of the state central committee or his designate.

SEC. 3. Section 8103 of the Elections Code is amended to read:

8103. The Secretary of State shall deliver to the chairman of the state central committee of each political party as soon as possible on the day of the first meeting of the state central committee a certified, alphabetical list of the names of the members of the state central committee. The membership list shall be arranged in alphabetical order by congressional districts for the Democratic Party and by senatorial districts for the Republican Party. The senatorial, Assembly, and congressional district of each appointed member listed shall be indicated.

CHAPTER 456

An act to amend Section 5554 of the Public Resources Code, relating to regional park districts.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 5554 of the Public Resources Code is amended to read:

5554. The board, at its first meeting following the end of its fiscal year, shall cause to be rendered no later than 90 days after such meeting and to be published at least once, in a newspaper of general circulation printed and published in the district, a verified certified public accountant's audit of the financial condition of the district, showing particularly the receipts and disbursements and balance of assets and liabilities for the last preceding year.

CHAPTER 457

An act to amend Section 26616 of the Government Code, relating to sheriffs.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 26616 of the Government Code is amended 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 sheriff may charge a fee sufficient to cover the costs of furnishing such report. 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.

CHAPTER 458

An act to repeal Section 3.5 of Chapter 146 of the Statutes of 1966, First Extraordinary Session, relating to school district organization.

[Approved by Governor July 8, 1969 Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 3.5 of Chapter 146 of the Statutes of 1966, First Extraordinary Session, is repealed.

CHAPTER 459

An act to amend Sections 4200, 4201, 4202, and 4203 of, and to add Section 4202.5 to, the Welfare and Institutions Code, relating to state hospitals.

[Approved by Governor July 8, 1969 Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 4200 of the Welfare and Institutions Code is amended to read:

4200. Each state hospital under the jurisdiction of the Department of Mental Hygiene shall have a hospital advisory board of five members appointed by the Governor from a list of nominations submitted to him by the boards of supervisors of counties within each hospital's designated service area. If a state hospital provides services for both the mentally disordered and the mentally retarded, there shall be a separate advisory board for the program provided the mentally disordered and a separate board for the program provided the mentally retarded.

Within 60 days of the date upon which this act takes effect, the Governor shall appoint the members of the board. Of the members first appointed, one shall be appointed for a term of one year, two for two years, and two for three years. Thereafter, each appointment shall be for the term of three years, except that an appointment to fill a vacancy shall be for the

unexpired term only. No person shall be appointed to serve more than a maximum of two terms as a member of the board.

SEC. 2. Section 4201 of the Welfare and Institutions Code is amended to read:

4201. No person shall be eligible for appointment to a hospital advisory board if he is a Member of the Legislature or an elective state officer, and if he becomes such after his appointment his office shall be vacated and a new appointment made. If any appointee fails to attend three consecutive regular meetings of the board, unless he is ill or absent from the state, his office becomes vacant, and the board, by resolution, shall so declare, and shall forthwith transmit a certified copy of such resolution to the Governor.

SEC. 3. Section 4202 of the Welfare and Institutions Code is amended to read:

4202. The advisory boards of the several state hospitals are advisory to the Department of Mental Hygiene and the Legislature with power of visitation and advice with respect to the conduct of the hospitals and coordination with community mental health programs or regional programs for the mentally retarded. The members of the boards shall serve without compensation other than necessary expenses incurred in the performance of duty. They shall organize and elect a chairman. They shall meet at least once every three months and at such other times as they are called by the chairman, by the medical director, by the head of the department or a majority of the board. No expenses shall be allowed except in connection with meetings so held.

The advisory board or boards of each state hospital shall make a written report on its activities, findings and recommendations for transmission through the Department of Mental Hygiene to each regular session of the Legislature. The department shall transmit the reports along with their suggestions, comments and recommendations concerning the reports to the Legislature.

SEC. 4. Section 4202.5 is added to the Welfare and Institutions Code, to read:

4202.5. The chairmen of the several hospital advisory boards shall meet annually in conjunction with hospital medical directors, community mental health program directors and directors of the regional centers for the retarded.

The chairmen shall be allowed necessary expenses incurred in attending such meetings.

SEC. 5. Section 4203 of the Welfare and Institutions Code is amended to read:

4203. The Atascadero State Hospital, the Langley Porter Neuropsychiatric Institute and the Neuropsychiatric Institute, U.C.L.A. Medical Center, shall each have an advisory board of five persons appointed by the Governor, each of whom holds office for the term of three years. Such boards shall advise and consult with the department with respect to the conduct of

the several facilities. The members of the board shall serve without compensation other than necessary expenses incurred in attendance at meetings. Such boards shall be concerned with those phases of operations which are the responsibility of the Department of Mental Hygiene. They shall not be concerned with reference to affairs of the university.

CHAPTER 460

An act to amend Section 11770 of the Insurance Code and to amend Sections 72, 141, and 3070 of the Labor Code, relating to compensation of state officials.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 11770 of the Insurance Code is amended to read:

11770. The State Compensation Insurance Fund is continued in existence, to be administered by its board of directors for the purpose of transacting workmen's compensation insurance, and insurance against the expense of defending any suit for serious and willful misconduct, against an employer or his agent, and insurance to employees and other persons of the compensation fixed by the workmen's compensation laws for employees and their dependents. Any appropriation made therefrom or thereto before the effective date of this code shall continue to be available for the purposes for which it was made.

The board of directors of the State Compensation Insurance Fund is composed of the Director of Industrial Relations, who is chairman thereof, and four members who shall be appointed by the Governor. The term of office of the members of the board, other than that of the director, shall be four years and they shall hold office until the appointment and qualification of their successors. The terms of the first four members so appointed shall expire as follows: one on January 15, 1946; one each on January 15, 1947, January 15, 1948, and January 15, 1949. Each member shall receive his actual and necessary traveling expenses incurred in the performance of his duty as a member and, except the Director of Industrial Relations, twenty-five dollars ($25) for each day of his actual attendance at meetings of the board. In order to qualify for membership on the board, each member other than the director shall have been a policyholder or the employee of a policyholder in the State Compensation Insurance Fund for one year prior to his appointment, and must continue in such status during the period of his membership.

SEC. 2. Section 72 of the Labor Code is amended to read:

72. One of the members of the Industrial Welfare Commission may be appointed Chief of the Division of Industrial Welfare. The members of the commission, other than the member who is appointed Chief of the Division of Industrial Welfare, shall receive twenty-five dollars ($25) for each day's actual attendance at meetings of the commission and shall receive their actual and necessary expenses incurred in the performance of their duties.

SEC. 3. Section 141 of the Labor Code is amended to read:

141. The term of office of the members of the board, other than that of the director, shall be four years and they shall hold office until the appointment and qualification of their successors. The terms of the first four members appointed to the board shall expire as follows: one on January 15, 1946, and one each on January 15, 1947, January 15, 1948 and January 15, 1949. Each member of the board except the chairman shall receive twenty-five dollars ($25) for each day of his actual attendance at meetings of the board, and his actual and necessary traveling expenses incurred in the performance of his duty as a member.

SEC. 4. Section 3070 of the Labor Code is amended to read:

3070. The Governor shall appoint an Apprenticeship Council, composed of six representatives each from employer and employee organizations, respectively, geographically selected, and of two representatives of the general public. The Director of Industrial Relations and the state official who is in charge of trade and industrial education under authority of the State Board of Education shall also be members of the Apprenticeship Council. The chairman shall be elected by vote of the Apprenticeship Council. The terms of office of the members of the Apprenticeship Council first appointed shall expire as designated by the Governor at the time of making the appointment: Two representatives each of employers, employees, and the public representative shall serve until January 15, 1941. Two representatives each of the employers and employees shall serve until January 15, 1942. Thereafter each member shall serve for a term of two years. Any member appointed to fill a vacancy occurring prior to the expiration of the term of his predecessor shall be appointed for the remainder of said term. Each member of the council shall receive the sum of twenty-five dollars ($25) for each day of his actual attendance at meetings of the council, for each day of his actual attendance at hearings by the council or a committee thereof pursuant to Section 3082, and for each day of his actual attendance at meetings of other committees established by the council and approved by the Director of Industrial Relations, together with his actual and necessary traveling expenses incurred in connection therewith.

The terms of the five additional members provided by the amendment of this section at the 1955 Regular Session shall expire, as designated by the Governor at the time of making the appointment, as follows: One additional representative each of employers, employees, and the additional public representative shall serve until January 15, 1957; and one additional representative each of employers and employees shall serve until January 15, 1958.

SEC. 5. Section 3070 of the Labor Code is amended to read:

3070. The Governor shall appoint a California Apprenticeship Council, composed of six representatives each from employer and employee organizations, respectively, geographically selected, and of two representatives of the general public. The Director of Industrial Relations and the state official who is in charge of trade and industrial education under authority of the State Board of Education shall also be members of the California Apprenticeship Council. The chairman shall be elected by vote of the California Apprenticeship Council The terms of office of the members of the California Apprenticeship Council first appointed shall expire as designated by the Governor at the time of making the appointment: Two representatives each of employers, employees, and the public representative shall serve until January 15, 1941. Two representatives each of the employers and employees shall serve until January 15, 1942. Thereafter each member shall serve for a term of two years. Any member appointed to fill a vacancy occurring prior to the expiration of the term of his predecessor shall be appointed for the remainder of said term. Each member of the council shall receive the sum of twenty-five dollars ($25) for each day of his actual attendance at meetings of the council, for each day of his actual attendance at hearings by the council or a committee thereof pursuant to Section 3082, and for each day of his actual attendance at meetings of other committees established by the council and approved by the Director of Industrial Relations, together with his actual and necessary traveling expenses incurred in connection therewith.

The terms of the five additional members provided by the amendment of this section at the 1955 Regular Session shall expire, as designated by the Governor at the time of making the appointment, as follows: One additional representative each of employers, employees, and the additional public representative shall serve until January 15, 1957; and one additional representative each of employers and employees shall serve until January 15, 1958.

SEC. 6. It is the intent of the Legislature, if amendments to Section 3070 of the Labor Code proposed by both this bill and Assembly Bill No. 745 are enacted, that both amendments be given effect and incorporated in Section 3070 in the form set forth in Section 5 of this act. Therefore, in the event Assembly Bill No. 745 is enacted and amends Section 3070, Sec-

tion 5 of this act shall become operative at the same time that Section 3070 as amended by Assembly Bill No. 745 becomes operative, and at that time, Section 3070 of the Labor Code as amended by Section 4 of this act is repealed.

SEC. 7. Section 3070 of the Labor Code is amended to read:

3070. The Governor shall appoint an Apprenticeship Council, composed of six representatives each from employer and employee organizations, respectively, geographically selected, and of two representatives of the general public. The Director of Industrial Relations and the state official who is in charge of trade and industrial education under authority of the State Board of Education and the Chancellor of the California Community Colleges, or his designee, shall also be members of the Apprenticeship Council. The chairman shall be elected by vote of the Apprenticeship Council. The terms of office of the members of the Apprenticeship Council first appointed shall expire as designated by the Governor at the time of making the appointment: Two representatives each of employers, employees, and the public representative shall serve until January 15, 1941. Two representatives each of the employers and employees shall serve until January 15, 1942. Thereafter each member shall serve for a term of two years. Any member appointed to fill a vacancy occurring prior to the expiration of the term of his predecessor shall be appointed for the remainder of said term. Each member of the council shall receive the sum of twenty-five dollars ($25) for each day of his actual attendance at meetings of the council, for each day of his actual attendance at hearings by the council or a committee thereof pursuant to Section 3082, and for each day of his actual attendance at meetings of other committees established by the council and approved by the Director of Industrial Relations, together with his actual and necessary traveling expenses incurred in connection therewith.

The terms of the five additional members provided by the amendment of this section at the 1955 Regular Session shall expire, as designated by the Governor at the time of making the appointment, as follows: One additional representative each of employers, employees, and the additional public representative shall serve until January 15, 1957; and one additional representative each of employers and employees shall serve until January 15, 1958.

SEC. 8. It is the intent of the Legislature, if amendments to Section 3070 of the Labor Code proposed by both this bill and A.B. 2220 are enacted, that both amendments be given effect and incorporated in Section 3070 in the form set forth in Section 7 of this act. Therefore, in the event A.B. 2220 is enacted and amends Section 3070, Section 7 of this act shall become operative at the same time that Section 3070 as amended by A.B. 2220 becomes operative, and at that time, Section 3070

of the Labor Code as amended by Section 4 of this act is repealed.

SEC. 9. Section 3070 of the Labor Code is amended to read:

3070. The Governor shall appoint a California Apprenticeship Council, composed of six representatives each from employer and employee organizations, respectively, geographically selected, and of two representatives of the general public. The Director of Industrial Relations and the state official who is in charge of trade and industrial education under authority of the State Board of Education and the Chancellor of the California Community Colleges, or his designee, shall also be members of the California Apprenticeship Council. The chairman shall be elected by vote of the California Apprenticeship Council. The terms of office of the members of the California Apprenticeship Council first appointed shall expire as designated by the Governor at the time of making the appointment: Two representatives each of employers, employees, and the public representative shall serve until January 15, 1941. Two representatives each of the employers and employees shall serve until January 15, 1942. Thereafter each member shall serve for a term of two years. Any member appointed to fill a vacancy occurring prior to the expiration of the term of his predecessor shall be appointed for the remainder of said term. Each member of the council shall receive the sum of twenty-five dollars ($25) for each day of his actual attendance at meetings of the council, for each day of his actual attendance at hearings by the council or a committee thereof pursuant to Section 3082, and for each day of his actual attendance at meetings of other committees established by the council and approved by the Director of Industrial Relations, together with his actual and necessary traveling expenses incurred in connection therewith.

The terms of the five additional members provided by the amendment of this section at the 1955 Regular Session shall expire, as designated by the Governor at the time of making the appointment, as follows: One additional representative each of employers, employees, and the additional public representative shall serve until January 15, 1957; and one additional representative each of employers and employees shall serve until January 15, 1958.

SEC. 10. It is the intent of the Legislature, if amendments to Section 3070 of the Labor Code proposed by this bill and A.B. 745 and A.B. 2220 are enacted, that all the amendments be given effect and incorporated in Section 3070 in the form set forth in Section 9 of this act. Therefore, in the event A.B. 745 and A.B. 2220 are enacted and amend Section 3070, Section 9 of this act shall become operative at the same time that Section 3070 as amended by A.B. 745 and A.B. 2220 becomes operative, and at that time, Section 3070 of the Labor Code as amended by Section 4 of this act is repealed.

CHAPTER 461

An act to amend Section 14290 of the Elections Code, relating to residency for voting.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 14290 of the Elections Code is amended to read:

14290. The residence of the husband shall not be presumed to be that of the wife, but the wife's residence shall be determined independently in accord with this article.

CHAPTER 462

An act to amend Sections 755 and 772 of, and to add Section 760.5 to, the Probate Code, relating to sales of personal property.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 755 of the Probate Code is amended to read:

755. Except as provided by Sections 770, 771, and 772 of this code, all sales of property must be reported to the court and confirmed by the court before title to the property passes. The report must be verified. Such report and a petition for confirmation of the sale must be made within 30 days after each sale. The clerk shall set the petition for hearing by the court and give notice thereof for the period and in the manner required by Section 1200 of this code.

SEC. 2. Section 760.5 is added to the Probate Code, to read:

760.5. The executor or administrator may enter into a written contract with any bona fide auctioneer, authorized to act as such in the locality, to conduct a public sale and to secure purchasers by such method for any tangible personal property of the estate.

The contract may provide for payment to the auctioneer of a fee or commission out of the proceeds of sale and for reimbursement of expenses, in amounts to be determined by the court if the sale is approved. By the execution of such contract no personal liability shall attach to the executor or administrator, and no liability of any kind shall be incurred by the estate in connection with such contract or sale until such court approval, except for its obligations to the purchaser of per-

sonal property as to which title passes pursuant to Section 772 without court confirmation or approval. The contract may provide that tangible personal property of two or more estates being administered by the same executor or administrator may be sold at the same public sale. Items of tangible personal property may be sold separately or in a lot with other items from the same estate. A sale pursuant to such contract shall be with reserve. The auctioneer shall comply with the instructions of the executor or administrator with respect to withdrawal of items, risk of loss, place of delivery, warranties, and other matters.

SEC. 3. Section 772 of the Probate Code is amended to read:

772. Except as provided in Sections 757, 770, and 771 of this code, personal property may be sold only after notice posted at the courthouse of the county in which the proceedings are pending at least 10 days before the sale or, in case of a private sale, at least 10 days before the day on or after which the sale is to be made; or by publication pursuant to Section 6063a of the Government Code in a newspaper in such county, or by both, as the executor or administrator may determine. If it is shown that it will be for the best interests of the estate, the court may shorten the time of notice to no less than five days, and such notice must then be posted, or published pursuant to Section 6061 of the Government Code in the county in which the proceedings are pending, at least five days before the sale, or, in the case of a private sale, at least five days before the day on or after which the sale is to be made. Notice given pursuant to this section shall contain the time and place of sale, and a brief description of the property to be sold and stating whether the sale is to be a private or public sale. In case of a private sale the notice must state a place at which bids or offers will be received and a day on or after which the sale will be made and the sale must not be made before that day but must be made within one year thereafter. Public sales, must be made at the courthouse door, or at some other public place, or at the residence of the decedent; but no public sale shall be made of any personal property which is not present at the time of sale, unless the court shall otherwise order. A public sale may be postponed from time to time if the executor or administrator deems it for the interests of all persons concerned, such postponement not to exceed in all three months. In case of such postponement, notice thereof must be given by public declaration at the time and place appointed for the sale.

Title to tangible personal property sold at public sale passes upon receipt of the purchase price and delivery of the property to the buyer but the executor or administrator is responsible for the actual value of the property unless, after making a sworn return, and on proper showing, the court shall approve the sale.

CHAPTER 463

An act to add Section 25504.5 to the Government Code, relating to county property.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 25504.5 is added to the Government Code, to read:

25504.5. The county purchasing agent, with the approval of the board of supervisors, and after publishing notice of his intended action pursuant to Section 6061, may, by direct sale or otherwise, sell to a purchaser any electronic data processing equipment owned by or to be owned by the county, provided the purchaser agrees to lease the equipment back to the county for use by the county following the sale. The approval by the board of supervisors of the sale and leaseback shall be given only if the board of supervisors finds, by resolution, that the sale and leaseback is the most economical means for providing electronic data processing equipment to the county.

CHAPTER 464

An act to amend Section 716 of the Insurance Code, relating to insurance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 716 of the Insurance Code is amended to read:

716. No certificate of authority shall be granted to a foreign or alien applicant that has not actively transacted for three years the classes of insurance for which it seeks to be admitted.

This section shall not apply to any of the following:

(a) An applicant 51 percent or more of whose voting shares are owned by a reputable insurer admitted to this state for at least three years.

(b) An applicant which is the successor in interest, by merger, transformation, consolidation, purchase, or other transaction, of substantially all the insurance business and going concern value of a reputable insurer which was, and still is, the dominant factor in such transaction, and could itself have been admitted.

(c) An applicant 51 percent or more of whose voting shares are owned by a noninsurance corporation, or a corporation au-

thorized as an insurer but not actively engaged in the insurance business, which corporation, directly or indirectly, owns 51 percent or more of the voting shares of one or more insurers all of which, except the applicant and those which are alien insurers, are reputable insurers admitted to this state for at least three years.

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 Insurance Code contains limitations which prevent the certification (licensing) of an insurance company unless the company has transacted insurance elsewhere or is a subsidiary of an insurance company which has been certificated in California for at least three years. This is known as a "seasoning" statute.

The Small Business Administration of the United States government has authority to and funds available to make loans for the purpose of starting small business to persons, usually of minority ethnic groups, who could not start business without such loans. The Small Business Administration requires the borrower to have a long-term lease on a good location. Normally the landlord will not grant such a lease to such a borrower unless rent payments under the lease are guaranteed by an insurance policy. No insurance company currently certificated in California is willing to write such lease guarantee policies. One or two insurance companies who will write such insurance currently are barred from certification by the aforementioned "seasoning" statute and otherwise qualified for certification could become certificated if the "seasoning" rule be slightly amended as suggested by this act.

The benefits to the peace, health, and safety of this state to arise by making possible commencement of small businesses by the currently disadvantaged are universally known. The removal of unnecessary and restrictive limitations from the Insurance Code as soon as possible is urgently required so that this advantageous result may be obtained.

CHAPTER 465

An act to add Section 130 to the Business and Professions Code, relating to terms of office.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 130 is added to the Business and Professions Code, to read:

130. (a) Notwithstanding any other provision of law, as the term of office of any member of an agency designated in subdivision (b) of this section expires on or after the effective date of this section, the first appointment to such office thereafter shall be for a term expiring on June 1st of the third year following the year in which such previous term expired. Thereafter, appointment to such office shall be for a term of four years expiring on June 1st.

(b) Subdivision (a) of this section shall apply to the following boards or committees:

(1) Board of Medical Examiners of the State of California
(2) Podiatry Examining Committee
(3) Physical Therapy Examining Committee
(4) California Board of Nursing Education and Nurse Registration
(5) Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California
(6) State Board of Optometry
(7) California State Board of Pharmacy
(8) Board of Examiners in Veterinary Medicine
(9) California State Board of Architectural Examiners
(10) Designers' Qualifications Advisory Committee
(11) California State Board of Landscape Architects
(12) State Board of Barber Examiners
(13) State Board of Registration for Professional Engineers
(14) Contractors' State License Board
(15) State Board of Cosmetology
(16) State Board of Guide Dogs for the Blind
(17) State Board of Funeral Directors and Embalmers
(18) Social Worker and Marriage Counselor Qualifications Board of the State of California
(19) Structural Pest Control Board
(20) Cemetery Board
(21) Advisory Board, Bureau of Electronic Repair Dealer Registration
(22) Certified Shorthand Reporters Board
(23) State Board of Registration for Geologists
(24) State Athletic Commission
(25) California Advisory Board to the Bureau of Employment Agencies
(26) Board of Osteopathic Examiners of the State of California

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CHAPTER 466

An act to amend Sections 13948, 13952, and 13953 of the Health and Safety Code, relating to fire protection districts.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 13948 of the Health and Safety Code is amended to read:

13948. Whenever any city, or portion thereof, has been included within a district pursuant to the provisions of this section prior to the amendment of the section by the Legislature at the 1969 Regular Session, upon the expiration of any period of time set forth as a condition to the inclusion of such city or portion thereof or, if none, at any time, the legislative body of the city may provide by ordinance for the withdrawal of the territory of the city from the district. The withdrawal shall be effective upon the date fixed by the legislative body of the city in the ordinance, which date is on or after the date of the adoption of the ordinance. Where the withdrawal is effective on or before January 1st of the fiscal year the district shall furnish fire protection services to the territory withdrawn until the first day of July next succeeding. Where the withdrawal is effective subsequent to January 1st of the fiscal year and the territory is subject to district taxation for the succeeding fiscal year the district shall furnish fire protection services to the territory until the 30th day of June of the fiscal year next succeeding.

Immediately after the adoption of an ordinance withdrawing the territory of a city from the district, the clerk of the legislative body of the city shall file a copy of the ordinance, describing the territory withdrawn and the date of its withdrawal, with the governing body of the district and with the tax levying authority of the district. Whenever a copy of an ordinance withdrawing the territory of a city from a district, pursuant to this section is filed with the district board, the tax levying authority of the district shall comply with the requirements of Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code.

SEC. 2. Section 13952 of the Health and Safety Code is amended to read:

13952. Whenever any portion of a district is included within a city by annexation such portion may be withdrawn from the district. The legislative body of the city may within one year after the annexation proceedings are complete provide by resolution that such territory shall be withdrawn from the district.

Immediately after adoption of the resolution, the clerk of the legislative body of the city shall file a copy of the resolution, describing the territory withdrawn and declaring its withdrawal, with the governing body of the district and with the tax levying authority of the district. Whenever a copy of such resolution is filed with the governing body of the district, the tax levying authority of the district shall comply with the requirements of Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code.

Such withdrawal shall be effective on the date fixed by the legislative body of the city, which date shall not be more than two years after the annexation proceedings are complete. Where the withdrawal is effective on or before January 1st of the fiscal year the district shall furnish fire protection services to the territory until the first day of July next succeeding. Where the withdrawal is effective subsequent to January 1st of the fiscal year and where the territory is subject to district taxation and assessment the district shall furnish fire protection services to the territory until the 30th day of June of the fiscal year next succeeding.

If the portion of the district included within a city by annexation is not withdrawn within two years after the annexation is complete, it may be withdrawn thereafter only by detachment proceedings taken pursuant to the provisions of the District Reorganization Act of 1965, Division 1 (commencing with Section 56000) of Title 6, Government Code.

SEC. 3. Section 13953 of the Health and Safety Code is amended to read:

13953. Whenever any portion of a district is included within a city by reason of the incorporation of the city, such portion may be withdrawn from the district by resolution of the governing body of the city within one year after the effective date of the incorporation of the city. If not withdrawn within one year, it may be withdrawn thereafter only by detachment proceedings taken pursuant to the provisions of the District Reorganization Act of 1965, Division 1 (commencing at Section 56000) of Title 6, Government Code.

If such withdrawal is made within one year after the effective date of the incorporation of the city, the clerk of the legislative body of the city shall file a copy of the resolution, describing the territory withdrawn, declaring its withdrawal, and specifying the date of its withdrawal, with the governing body of the district and with the tax levying authority of the district. Whenever a copy of such a resolution is filed with the governing body of the district, the tax levying authority of the district shall comply with the requirements of Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code.

CHAPTER 467

An act to amend Sections 8834 and 9334 of the Elections Code, relating to political parties.

[Approved by Governor July 8, 1969. Filed with Secretary of State July 8, 1969.]

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

SECTION 1. Section 8834 of the Elections Code is amended to read:

8834. Whenever any person is appointed to fill a vacancy on a committee, the chairman of the committee shall file notices of the appointment with the county clerk and the chairman of the state central committee within 30 days after it is made. The notices shall contain the name and address of the person appointed and the name of the person replaced, and shall indicate the date of the appointment.

SEC. 2. Section 9334 of the Elections Code is amended to read:

9334. Whenever any person is appointed to fill a vacancy on a committee, the chairman of the committee shall file notices of the appointment with the county clerk and the chairman of the state central committee within 30 days after it is made. The notices shall contain the name and address of the person appointed and the name of the person replaced, and shall indicate the date of the appointment.

CHAPTER 468

An act to amend Section 1388.2 of the Civil Code, as added by Senate Bill No. 98 of the 1969 Regular Session, relating to powers of appointment.

[Approved by Governor July 10, 1969. Filed with Secretary of State July 11, 1969.]

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

SECTION 1. Section 1388.2 of the Civil Code, as added by Senate Bill No. 98, as enacted at the 1969 Regular Session, is amended to read:

1388.2. (a) Unless the creating instrument otherwise provides, any general or special power of appointment that is a discretionary power, whether testamentary or otherwise, may be released, either with or without consideration, by written instrument signed by the donee and delivered as provided in subdivision (c).

(b) Any releasable power may be released with respect to the whole or any part of the appointive property and may also be released in such manner as to reduce or limit the permissible appointees. No partial release of a power shall be deemed to make imperative the remaining power that was not imperative before such release unless the instrument of release expressly so provides. No release of a power is permissible when the result of the release is the present exercise of a power that is not presently exercisable.

(c) A release shall be delivered as provided in this subdivision:

(1) If the creating instrument specifies a person to whom a release is to be delivered, the release shall be delivered to

that person but delivery need not be made as provided in this paragraph if such person cannot with due diligence be found.

(2) In any case where the property to which the power relates is held by a trustee, the release shall be delivered to such trustee.

(3) In a case not covered by paragraph (1) or (2), the release may be delivered to any of the following:

(i) Any person, other than the donee, who could be adversely affected by the exercise of the power.

(ii) The county recorder of the county in which the donee resides or in which the deed, will, or other instrument creating the power is filed.

(d) No power of appointment affecting real property, where the creating instrument has been previously recorded or where the creating instrument was a will and the order or decree of distribution has been previously recorded, shall be terminated, in whole or in part, as to such appointive real property by the execution of a release of such power until such release is recorded in the office of the county recorder of the county in which such appointive real property is located.

(e) This section does not impair the validity of any release made prior to July 1, 1970.

SEC. 2. This act shall become operative only if Senate Bill No. 98 is enacted by the Legislature at its 1969 Regular Session, and as enacted it adds Section 1388.2 to the Civil Code, and in such case at the same time as Senate Bill No. 98 takes effect.

CHAPTER 469

An act to amend Section 10655 of the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor July 10, 1969. Filed with Secretary of State July 11, 1969.]

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

SECTION 1. Section 10655 of the Welfare and Institutions Code is amended to read:

10655. The State Department of Employment shall have primary responsibility for placement and other employment services for public assistance recipients; provided, however, that a county department may refer a public assistance recipient to a private employment agency at the same time the recipient is referred to the State Department of Employment. For the purposes of this section, a county department is authorized to enter into contracts with any private employment agencies under such terms and conditions and for such rates as the county department deems reasonable; provided, that

once a public assistance recipient has been placed in employment by such an agency, a county department may not contract again with a private employment agency for placement of that recipient within six months of the original date of placement.

No referral or contract authorized under this section shall result in the recipient's paying any fee, part of wages or other charges to the county department or private employment agency for such services.

CHAPTER 470

An act to amend Section 75104 of the Government Code, relating to Judges' Retirement Law.

[Approved by Governor July 10, 1969. Filed with Secretary of State July 11, 1969.]

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

SECTION 1. Section 75104 of the Government Code is amended to read:

75104. Should any judge die, resign, or cease to be a judge prior to his retirement, or die after electing to allow his accumulated contributions to remain in the fund pursuant to Section 75033 but prior to attaining age 65, the amount of his accumulated contribution shall be paid to his beneficiary nominated by written designation duly filed with the Secretary of State, or to him, as the case may be.

CHAPTER 471

An act to amend Section 11580.1 of the Insurance Code, relating to insurance.

[Approved by Governor July 10, 1969. Filed with Secretary of State July 11, 1969.]

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, or Article 2 (commencing with Section 17150), Chapter 1, Division 9, 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 homeown-

er's policy as an "automobile liability policy" within the meaning of Section 16057 of said code nor as a "motor vehicle liability policy" within the meaning of Section 16450 of said code, notwithstanding that such homeowner's policy may provide automobile or motor vehicle liability coverage on insured premises or the ways immediately adjoining. For the purposes of this section, "homeowner's policy" means an insurance policy providing fire and other insurances covering either residence properties occupied by not more than four families and appurtenances, or the contents thereof other than merchandise, or both.

CHAPTER 472

An act to amend Section 36125 of the Vehicle Code, relating to registration of implements of husbandry.

[Approved by Governor July 10, 1969. Filed with Secretary of State July 11, 1969.]

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

SECTION 1. Section 36125 of the Vehicle Code is amended to read:

36125. Owners of cotton trailers, farm trailers as defined in Section 36010, or motor vehicles which are farmer owned and operated and used as provided in Section 36106 or 36110, which are exempt from registration, shall, prior to any movement of such vehicles upon a highway, make application to the Department of Motor Vehicles to obtain for display thereon special identification plates of the type provided for implements of husbandry, except that the service charge shall be five dollars ($5) for each vehicle and the photograph provisions are waived. Such plates shall be renewed between the inclusive dates of January 1 through February 4 every three years by application and payment of the five-dollar ($5) service charge, except that payment shall be a four-dollar ($4) service charge on renewal or original applications for 1970, and a three-dollar ($3) service charge on renewal or original applications for 1971. Such applications for 1970 and 1971 shall expire in two and one years, respectively, to place all such identification plates on an identical three-year basis. Thereafter, the five-dollar ($5) service charge on original applications for such identification plates shall be decreased by one dollar ($1) for each subsequent year of the three-year cycle.

As used in this section, three years means three (3) calendar years. Any part of the year of first application shall constitute a calendar year.

CHAPTER 473

An act to amend Section 1944 of the Labor Code, relating to employment of aliens.

[Approved by Governor July 10, 1969. Filed with Secretary of State July 11, 1969.]

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

SECTION 1. Section 1944 of the Labor Code is amended to read:

1944. This article shall not apply:

(a) To the employment, as a member of the faculty or teaching force in public schools or in schools supported in whole or in part by the state, of:

(1) Any person who has declared his intention to become a citizen.

(2) Any native-born woman of the United States who has married a noncitizen.

(3) Any person present in the United States on a valid temporary visa issued by an American consular officer except where federal law prohibits gainful employment of that person in the United States.

For purposes of the preceding sentence, a declaration of intention to become a citizen shall consist of either: (1) the declaration of intention to become a citizen of the United States, or petition for naturalization, or comparable document prescribed by federal law; or (2) an affidavit filed with, and in the form prescribed by, the State Board of Education, by an individual otherwise eligible for issuance of a public school certification document, declaring that he will, at the first opportunity at which the applicable federal law permits, file such a declaration of intention to become a citizen of the United States, petition for naturalization, or comparable document. In the event the State Board of Education determines that an individual who has filed under alternative (2) of the preceding sentence, has, without good cause, failed at the first opportunity provided under federal law to file one of the specified documents prescribed by federal law, it shall forthwith revoke any public school certification documents issued to the individual.

(b) To any member of the faculty or teaching force or student body, or to any professional librarian, or to student assistants, of any college or university supported in whole or in part by the state.

(c) To any specialist or expert temporarily employed by any department of the state or any county, or city, and engaged in special investigation or teaching.

(d) In an emergency when it is necessary to protect life, health, or property against fire, flood, or other calamity.

(e) To the employment by a county of an intern or resident physician for services in the county hospital under an ex-

change arrangement with medical facilities in foreign countries.

(f) To any professional person who has declared his intention to become a citizen.

(g) To any professional librarian, other than a chief librarian.

(h) To the employment by hospital districts or a county hospital or in a hospital or clinic operated by the University of California of professional persons actually licensed by the State of California.

(i) To the employment of persons in positions pertaining to the care and guidance of children in a child care program or the supervision of a child care program supported in whole or in part by the state, of any person who has declared his intention to become a citizen, or of a native-born woman of the United States who has married a noncitizen.

(j) To student assistants and interns in Department of Mental Hygiene training programs.

(k) To student assistants and interns in Department of Social Welfare training programs in that department or in a county welfare department.

(*l*) To student assistants and interns in the Department of the Youth Authority training programs.

CHAPTER 474

An act to amend Section 8729 of the Business and Professions Code, relating to land surveyors.

[Approved by Governor July 10, 1969. Filed with Secretary of State July 11, 1969.]

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

SECTION 1. Section 8729 of the Business and Professions Code is amended to read:

8729. This chapter prohibits the practice of land surveying by any partnership, firm, company, association, or corporation. However, nothing contained in this chapter shall prohibit one or more licensed land surveyors from practicing or offering to practice their profession through the medium of a partnership, firm, company, association or corporation if a land surveyor licensed pursuant to the provisions of this chapter or a civil engineer registered pursuant to the provision of Chapter 7 (commencing with Section 6700) of Division 3 of this code is the partner, member, or directing officer in charge of the land surveying practice of the partnership, firm, company, association, or corporation and if all land surveying work and documents are done by or under the direct supervision of such land surveyor or civil engineer. The firm or corporate name under which such individuals offer and do

practice land surveying may be entirely fictitious or it may contain only the name or names of licensed land surveyors and registered engineers, living or dead, who are, or were when living, members of the firm or directors of the corporation. If the firm or corporate name contains the name of a living member of the firm or corporation then it shall also contain the name of a member who is entitled to practice land surveying under the provisions of this chapter.

This chapter does not prevent or prohibit an individual, firm, or corporation engaged in any line of business other than the practice of land surveying from employing a licensed land surveyor or registered civil engineer to perform land surveying services incidental to the business of such individual, firm, or corporation.

The provisions of this section shall not prevent the use of the name of any partnership, firm, company, association, or corporation in existence on June 1, 1941, if all of the members or officers and directors of such partnership, firm, company, association, or corporation were on that date individually licensed as land surveyors pursuant to the provisions of this chapter or registered civil engineers pursuant to the provisions of Chapter 7 of Division 3 of this code.

CHAPTER 475

An act to add Section 14022 to the Welfare and Institutions Code, relating to medical assistance.

[Approved by Governor July 10, 1969. Filed with Secretary of State July 11, 1969.]

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

SECTION 1. Section 14022 is added to the Welfare and Institutions Code, to read:

14022. (a) This section shall be known as the "Medi-Cal Conflict of Interest Law."

It is the intent of the Legislature that provision be made for disclosure of the interests of providers of service in the services, facilities and organizations to which they refer Medi-Cal recipients so that it is possible to determine the extent to which conflicts of interests may exist because of such referrals.

(b) As used in this section, the term "referral" means (1) the referral of a recipient by a provider of service to any other provider of service; (2) the placement of a recipient by a provider of service in any facility; or (3) the obtaining, requesting, ordering or prescribing of services or supplies by a provider of service on behalf of a recipient from any other provider of service.

As used in this section, the term "immediate family" includes the spouse and children of the provider of service, the

parents of the provider of service and his spouse, and the spouses of the children of the provider of service.

(c) No payment under this chapter shall be made to a provider of service or to any facility or organization in which he or his immediate family have a significant beneficial interest, for services rendered in connection with any referral of a recipient, unless there is on file with the director and the Health Review Program Council a statement of the nature and extent of such interest.

CHAPTER 476

An act relating to school district taxes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 10, 1969. Filed with Secretary of State July 11, 1969.]

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

SECTION 1. The governing board of any joint school district included within territory to which an areawide foundation program is applicable is hereby authorized to increase, for the fiscal year 1969–70 only, the maximum rate of school district tax by such amount as will, when levied against each one hundred dollars ($100) of assessed value of property in the district, produce an amount sufficient to recover any loss in revenues suffered and not recouped in the 1968–69 fiscal year through an omission to levy the statutory maximum tax rate by reason of reducing such maximum tax rate by an amount in excess of that required by Section 20930 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:

The district is required to publish its budget on or before August 15 of each year, and present the budget to the county superintendent of schools for review and determination of the amount of money which must be provided by a school district tax. It is necessary that this act be adopted as an urgency statute in order to be effective in time to allow those districts which suffered a tax loss during the 1968–69 fiscal year to recoup the loss in the 1969–70 fiscal year.

CHAPTER 477

An act to amend Section 20021.6 of the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor July 10, 1969. Filed with Secretary of State July 11, 1969.]

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

SECTION 1. Section 20021.6 of the Government Code is amended to read:

20021.6. "County peace officer" shall also include the constable and each regularly employed deputy constable, marshal and each regularly employed deputy marshal of any judicial district and he shall receive credit for service as such peace officer for any time he served as constable or deputy constable of a township in the same county.

The provisions of this section shall not apply to the employees of any contracting agency nor to any such agency unless and until the contracting agency elects to be subject to the provisions of this section by amendment to its contract with the board, made as provided in Section 20461.5 or by express provision in its contract with the board.

CHAPTER 478

An act to amend Section 816 of the Penal Code, relating to arrest warrants.

[Approved by Governor July 10, 1969. Filed with Secretary of State July 11, 1969.]

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

SECTION 1. Section 816 of the Penal Code is amended to read:

816. A warrant of arrest must be directed generally to any peace officer in the state, and may be executed by any of those officers to whom it may be delivered.

When a warrant of arrest has been delivered to a peace officer and the person named in the warrant is otherwise lawfully in the custody of the peace officer, the warrant may be executed by the peace officer or by any clerk of a city or county jail authorized to act and acting under the peace officer's direction.

SEC. 2. Section 816 of the Penal Code is amended to read:

816. A warrant shall be directed generally to any peace officer, or to any public officer or employee authorized to serve process, in the state, and may be executed by any of those officers to whom it may be delivered.

When a warrant of arrest has been delivered to a peace officer and the person named in the warrant is otherwise lawfully in the custody of the peace officer, the warrant may be executed by the peace officer or by any clerk of a city or county jail authorized to act and acting under the peace officer's direction.

SEC. 3. It is the intent of the Legislature, if amendments proposed by both this bill and Senate Bill No. 1378 to Section 816 of the Penal Code are enacted, that the amendments made by both bills be given effect and incorporated in Section 816 of the Penal Code in the form set forth in Section 2 of this act. Therefore, in the event Senate Bill No. 1378 is enacted, Section 2 of this act shall become operative at the same time that Section 816 as amended by Senate Bill No. 1378 becomes operative, and at that time Section 816 of the Penal Code as amended by Section 1 of this act is repealed.

CHAPTER 479

An act to amend Sections 233, 465, and 545 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor July 10, 1969. Filed with Secretary of State July 11, 1969.]

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

SECTION 1. Section 233 of the Vehicle Code is amended to read:

233. A "bus" is any motor vehicle, other than a motortruck or truck tractor, designed for carrying more than 10 persons including the driver and used or maintained for the transportation of passengers.

SEC. 2. Section 465 of the Vehicle Code is amended to read:

465. A "passenger vehicle" is any motor vehicle, other than a motortruck or truck tractor, designed for carrying not more than 10 persons including the driver, and used or maintained for the transportation of persons. The term "passenger vehicle" shall include a house car.

SEC. 3. Section 545 of the Vehicle Code is amended to read:

545. A "schoolbus" is any motor vehicle while being used for the transportation of any school pupil at or below the 12th-grade level to and from a public or private school or to and from public or private school activities, except the following:

(a) A passenger vehicle designed for and when actually carrying not more than eight persons, including the driver.

(b) A 9-passenger or 10-passenger station wagon when used for the transportation of not more than eight pupils and the driver, other than the regular transportation of pupils to and

from a public or private school or the transportation of mentally retarded or physically handicapped pupils.

(c) A motor vehicle of any type carrying only members of the household of the owner thereof.

(d) A motor vehicle operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned transit system, on scheduled runs but not used exclusively for the transportation of school pupils.

(e) A motor vehicle operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned transit system, or by a passenger charter-party carrier and used under a contractual agreement to transport pupils to and from school activities but not used regularly to transport pupils to and from a public or private school.

Notwithstanding any other provisions of this section, the governing board of a district maintaining a junior college may, by resolution, designate any motor vehicle operated by or for the district, a schoolbus within the meaning of this section, while it is being used for the transportation of any junior college students to and from a public junior college or to and from public junior college activities. The designation shall not be effective until written notification thereof has been filed with the Superintendent of Public Instruction.

CHAPTER 480

An act to amend Section 1174 of the Code of Civil Procedure, relating to unlawful detainer.

[Approved by Governor July 10, 1969. Filed with Secretary of State July 11, 1969.]

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

SECTION 1. Section 1174 of the Code of Civil Procedure is amended to read:

1174. If upon the trial, the verdict of the jury, or, if the case be tried without a jury, the findings of the court be in favor of the plaintiff and against the defendant, judgment shall be entered for the restitution of the premises; and if the proceedings be for an unlawful detainer after neglect, or failure to perform the conditions or covenants of the lease or agreement under which the property is held, or after default in the payment of rent, the judgment shall also declare the forfeiture of such lease or agreement if the notice required by Section 1161 of the code states the election of the landlord to declare the forfeiture thereof, but if such notice does not so state such election, the lease or agreement shall not be forfeited.

The jury or the court, if the proceedings be tried without a jury, shall also assess the damages occasioned to the plaintiff

by any forcible entry, or by any forcible or unlawful detainer, alleged in the complaint and proved on the trial, and find the amount of any rent due, if the alleged unlawful detainer be after default in the payment of rent. Judgment against the defendant guilty of the forcible entry, or the forcible or unlawful detainer may be entered in the discretion of the court either for the amount of the damages and the rent found due, or for three times the amount so found.

When the proceeding is for an unlawful detainer after default in the payment of rent, and the lease or agreement under which the rent is payable has not by its terms expired, and the notice required by Section 1161 has not stated the election of the landlord to declare the forfeiture thereof, the court may, and, if the lease or agreement is in writing, is for a term of more than one year, and does not contain a forfeiture clause, shall order that execution upon the judgment shall not be issued until the expiration of five days after the entry of the judgment, within which time the tenant, or any subtenant, or any mortgagee of the term, or any other party interested in its continuance, may pay into the court, for the landlord, the amount found due as rent, with interest thereon, and the amount of the damages found by the jury or the court for the unlawful detainer, and the costs of the proceedings, and thereupon the judgment shall be satisfied and the tenant be restored to his estate.

But if payment as here provided be not made within five days, the judgment may be enforced for its full amount, and for the possession of the premises. In all other cases the judgment may be enforced immediately.

A plaintiff, having obtained a writ of restitution of the premises pursuant to an action for unlawful detainer, shall be entitled to have the premises restored to him by officers charged with enforcement of such writs. The enforcing officer shall serve such writ promptly upon payment of reasonable costs of service. If the tenant does not vacate the premises within five days from the date of service of such writ, the enforcing officer shall remove the tenant from the premises and place the plaintiff in possession thereof.

All goods, chattels or personal property of the tenant remaining on the premises at the time of its restitution to the plaintiff shall be stored by the plaintiff in a place of safekeeping for a period of 30 days and may be redeemed by the tenant upon payment of reasonable costs incurred by the plaintiff in providing such storage and the judgment rendered in favor of plaintiff, including costs. Plaintiff may, if he so elects, store such goods, chattels or personal property of the tenant on the premises, and the costs of storage in such case shall be the fair rental value of the premises for the term of storage. An inventory shall be made of all goods, chattels or personal property left on the premises prior to its removal and storage or storage on the premises. Such inventory shall either be made

by the enforcing officer or shall be verified in writing by him. The enforcing officer shall be entitled to his costs in preparing or verifying such inventory.

In the event the property so held is not removed within 30 days, such property shall be deemed abandoned and may be sold at a public sale by competitive bidding, to be held at the place where the property is stored, after notice of the time and place of such sale has been given at least five days before the date of such sale by publication once in a newspaper of general circulation published in the county in which the sale is to be held. Notice of the public sale may not be given more than five days prior to the expiration of the 30 days during which the property is to be held in storage. All money realized from the sale of such personal property shall be used to pay the costs of the plaintiff in storing and selling such property, and any balance thereof shall be applied in payment of plaintiff's judgment, including costs. Any remaining balance shall be returned to the defendant.

CHAPTER 481

An act to amend Sections 1900, 1901, 3905, and 4117 of the Corporations Code, relating to corporations.

[Approved by Governor July 10, 1969. Filed with Secretary of State July 11, 1969.]

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

SECTION 1. Section 1900 of the Corporations Code is amended to read:

1900. Every stock corporation shall have a stated capital which shall be an amount made up of the sum of the following amounts, less the amounts of any reductions of stated capital made as authorized by this division:

(a) The aggregate par value of par value shares which have been issued from time to time, except that if par value shares have been issued as fully paid up for a consideration less than par pursuant to Section 1110, only the amount of the agreed consideration for such shares specified in dollars shall be credited to stated capital.

(b) The aggregate amount specified in dollars of the agreed consideration received or to be received by the corporation for all shares without par value which have been issued from time to time, except any portion of the consideration for such shares which has been expressly designated by the board of directors upon or prior to issue as paid-in surplus. In the absence of such designation by the board of directors, the entire amount of the consideration for shares without par value shall be credited to stated capital, except that in the case of a transaction to which Section 3905 or 4117 is applicable, the considera-

tion may be credited as provided in Section 3905 or 4117, as the case may be.

(c) Such amounts as are transferred from surplus to stated capital upon declaration of a share dividend or by resolution of the board of directors.

As used in this section, "the agreed consideration" for shares with or without par value means the amount received or to be received by the corporation from the subscriber or person to whom the shares are originally issued, before deducting the charges and expenses of organization and any compensation for the sale or underwriting of such shares.

SEC. 2. Section 1901 of the Corporations Code is amended to read:

1901. If par value shares are issued for a consideration in excess of their par value, the amount of the excess shall be credited to paid-in surplus, unless Section 3905 or 4117 is applicable to the transaction, in which case, the consideration may be credited as provided in Section 3905 or 4117, as the case may be.

SEC. 3. Section 3905 of the Corporations Code is amended to read:

3905. The surplus appearing on the books of a foreign or domestic corporation which sells all or substantially all of its property and assets to another corporation may, when it is in accordance with generally accepted accounting principles to do so and to the extent to which such surplus is not capitalized by the acquiring corporation by the issue of shares or otherwise, be entered as earned or paid-in surplus, as the case may be, on the books of the acquiring corporation, and may thereafter be dealt with as such

SEC. 4. Section 4117 of the Corporations Code is amended to read:

4117. The surplus appearing on the books of the constituent corporations, to the extent to which it is not capitalized by the issues of shares or otherwise, may, when it is in accordance with generally accepted accounting principles to do so, be entered as earned or paid-in surplus, as the case may be, on the books of the consolidated or surviving corporation, and may thereafter be dealt with as such.

CHAPTER 482

An act to amend Sections 175, 183, 185, 186, 188.5, 230, 231, 1058, 1075, 1257, 1258, 2862, 2863, and 2866 of, to add Sections 1242.5, 1243.5, 12617.1, and 12923.1 to, to add Chapter 2.5 (commencing with Section 2100) to Part 3, Division 2 of, to repeal Division 7 (commencing with Section 13000) of, and to add Division 7 (commencing with Section 13000) to, the Water Code, to amend Section 11010 of, and to add Section 11551.6 to, the Business and Professions Code, to amend Section 12805 of the Government

Code, to amend Section 5410 of, to add Section 4458 to, and to repeal Section 4458 of, the Health and Safety Code, relating to water quality, and making an appropriation therefor.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 175 of the Water Code is amended to read:

175. There is in the Resources Agency the State Water Resources Control Board consisting of five members appointed by the Governor. One of the members appointed shall be an attorney admitted to practice law in this state who is qualified in the fields of water supply and water rights, one shall be a registered civil engineer under the laws of this state who is qualified in the fields of water supply and water rights, one shall be a registered civil engineer under the laws of this state who is experienced in sanitary engineering and who is qualified in the field of water quality, one shall be qualified in the field of water quality, and one member shall not be required to have specialized experience.

Each member shall represent the state at large and not any particular portion thereof and shall serve full time. The appointments so made by the Governor shall be subject to confirmation by the Senate at the next regular or special session of the Legislature, and the refusal or failure of the Senate to confirm an appointment shall create a vacancy in the office to which the appointment was made.

SEC. 2. Section 183 of the Water Code is amended to read:

183. The board may hold any hearings and conduct any investigations in any part of the state necessary to carry out the powers vested in it, and for such purposes has the powers conferred upon heads of departments of the state by Article 2 (commencing with Section 11180), Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

Any hearing or investigation by the board, including hearings pursuant to Section 13245 but excluding all other hearings or investigations pursuant to Division 7 of this code, may be conducted by any member upon authorization of the board, and he shall have the powers granted to the board by this section, but any final action of the board shall be taken by a majority of the members of the board at a meeting duly called and held.

All hearings held by the board or by any member thereof shall be open and public.

SEC. 3. Section 185 of the Water Code is amended to read:

185. The board shall adopt rules for the conduct of its affairs in conformity, as nearly as practicable, with the provisions of Chapter 4.5 (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code.

SEC. 4. Section 186 of the Water Code is amended to read:

186. The board shall have such powers, and may employ such legal counsel and other personnel and assistance, as may be necessary or convenient for the exercise of its duties under Division 2 (commencing with Section 1000), except Part 4 (commencing with Section 4000) and Part 6 (commencing with Section 5900) thereof, Part 2 (commencing with Section 10500) of Division 6, and Division 7 (commencing with Section 13000) of this code.

For the purpose of administration, the board shall organize itself, with the approval of the Governor, in the manner it deems necessary properly to segregate and conduct the work of the board. The work of the board shall be divided into at least two divisions, known as the Division of Water Rights and the Division of Water Quality. The board shall appoint a chief of each division, who shall supervise the work thereof and act as technical adviser to the board on functions under his jurisdiction.

The Attorney General shall represent the board and the state in litigation concerning affairs of the board unless another state agency, represented by the Attorney General, is a party to the action. In such case the legal counsel of the board shall represent the board. Sections 11041, 11042, and 11043 of the Government Code are not applicable to the State Water Resources Control Board. The legal counsel of the board shall advise and furnish legal services, except representation in litigation, to the regional boards upon their request.

SEC. 4.5. Section 188.5 of the Water Code is amended to read:

188.5. The board shall publish biennial progress reports relating to the activities of the board and California regional water quality control boards.

SEC. 5. Section 230 of the Water Code is amended to read:

230. The department, either independently or in cooperation with any person or any county, state, federal, or other agency, or upon the request of the State Water Resources Control Board, to the extent funds are allocated therefor, shall conduct surveys and investigations relating to the reclamation of water from wastes for beneficial purposes, including but not limited to the determination of quantities of such water presently wasted, and possibilities of use of such water for recharge of underground storage or for agricultural or industrial uses; and shall report to the Legislature and to the appropriate California regional water quality control board thereon, annually.

SEC. 6. Section 231 of the Water Code is amended to read:

231. The department, either independently or in cooperation with any person or any county, state, federal or other agency, shall investigate and survey conditions of damage to quality of underground waters, which conditions are or may be caused by improperly constructed, abandoned or defective wells through the interconnection of strata or the introduction

of surface waters into underground waters. The department shall report to the appropriate California regional water quality control board its recommendations for minimum standards of well construction in any particular locality in which it deems regulation necessary to protection of quality of underground water, and shall report to the Legislature from time to time, its recommendations for proper sealing of abandoned wells.

SEC. 7. Section 1058 of the Water Code is amended to read:

1058. The board may make such reasonable rules and regulations as it may from time to time deem advisable in carrying out its powers and duties under this code.

SEC. 8. Section 1075 of the Water Code is amended to read:

1075. As used in this chapter, "proceeding" means any inquiry, investigation, hearing, ascertainment, or other proceeding ordered or undertaken by the board pursuant to this code.

SEC. 9. Section 1242.5 is added to the Water Code, to read:

1242.5. The board, subject to the provisions of Section 100 and whenever it is in the public interest, may approve appropriation by storage of water to be released for the purpose of protecting or enhancing the quality of other waters which are put to beneficial uses.

SEC. 10. Section 1243 5 is added to the Water Code, to read:

1243.5. In determining the amount of water available for appropriation, the board shall take into account, whenever it is in the public interest, the amounts of water needed to remain in the source for protection of beneficial uses, including any uses specified to be protected in any relevant water quality control plan established pursuant to Division 7 (commencing with Section 13000) of this code.

This section shall not be construed to affect riparian rights.

SEC. 11. Section 1257 of the Water Code is amended to read:

1257. In acting upon applications to appropriate water, the board shall consider the relative benefit to be derived from all beneficial uses of the water concerned including, but not limited to, use for domestic, irrigation, municipal, industrial, preservation and enhancement of fish and wildlife, recreational, mining and power purposes, and any uses specified to be protected in any relevant water quality control plan, and may subject such appropriations to such terms and conditions as in its judgment will best develop, conserve, and utilize in the public interest, the water sought to be appropriated.

SEC. 12. Section 1258 of the Water Code is amended to read:

1258. In acting upon applications to appropriate water, the board shall consider water quality control plans which have been established pursuant to Division 7 (commencing with Sec-

tion 13000) of this code, and may subject such appropriations to such terms and conditions as it finds are necessary to carry out such plans.

SEC. 14. Chapter 2.5 (commencing with Section 2100) is added to Part 3, Division 2 of the Water Code, to read:

CHAPTER 2.5. ADJUDICATIONS TO PROTECT THE QUALITY OF GROUND WATER

2100. After the department has submitted to the board recommendations for the protection of the quality of ground water pursuant to Section 12617.1 or 12923.1 of this code, or in reliance upon investigation by any governmental agency, the board may file an action in the superior court to restrict pumping, or to impose physical solutions, or both, to the extent necessary to prevent destruction of or irreparable injury to the quality of such water. In such action, all of the claimants to the use of the affected water known to the board, except claimants to the use of minor quantities of water as defined in Section 2102, shall be named as defendants. In any watershed or ground water basin wherein (a) all or substantially all of the rights to water have been adjudicated and the court has retained continuing jurisdiction arising from the adjudication, or (b) wherein such action is pending, any such proceedings by the board shall be undertaken only by intervention by the board in such existing action.

2101. (a) Before filing or intervening in any such action the board shall hold a public hearing on the necessity for restricting ground water pumping or for a physical solution in order to protect the quality of water from destruction or irreparable injury. The board shall serve notice of such hearing as provided in Section 6066 of the Government Code and shall mail a copy of such notice to each producer of ground water within the area proposed for investigation, to the extent that such producers of ground water are known to the board, at least 15 days prior to the date of such hearing, except that notice need not be mailed to producers of minor quantities of water as defined in Section 2102.

(b) In the event the board decides that the rights to the use of the ground water must be adjudicated in order to require the restriction of pumping or physical solution necessary to preserve it from destruction or irreparable injury to quality, the board shall first determine whether any local public agency overlying all or a part of the ground water basin will undertake such adjudication of water rights. If such local agency commences an adjudication, the board shall take no further action, except that the board may, through the Attorney General, become a party to such action.

(c) In the event no local agency commences such action within 90 days after notice of the decision of the board, the board shall file such action.

2102. As used in this article, "minor quantities of water" refers to the extraction by any person of not to exceed 10 acre-feet of ground water annually.

SEC. 14.1. Section 2862 of the Water Code is amended to read:

2862. All money paid to or collected by the board, as provided in this article, shall be paid, at least once each month, accompanied by a detailed statement thereof, into the Water Resources Control Board Revolving Fund, which fund is continued in existence.

SEC. 14.2. Section 2863 of the Water Code is amended to read:

2863. All or any part of the money in the Water Resources Control Board Revolving Fund may be drawn from the State Treasury upon the approval of the Department of General Services without the submission of receipts, vouchers, or itemized statements, and used by the board in paying costs of making determinations of water rights as provided in this part.

SEC. 14.3. Section 2866 of the Water Code is amended to read:

2866. The Department of Finance shall, from time to time, review the status of the Water Resources Control Board Revolving Fund to determine whether there are excess amounts of money therein not needed to carry out the provisions of this chapter. If the Department of Finance determines there are such excess amounts of money in the fund, it shall notify the State Controller and the State Controller shall transfer such excess amounts of money to the General Fund.

SEC. 15. Section 12617.1 is added to the Water Code, to read:

12617.1. The department, in making investigations and plans for water projects and for the solution of the water problems of the state pursuant to Sections 12616 and 12617, shall include plans and recommendations for the protection of the quality of the waters affected, including downstream waters, with respect to all sources of impairment and factors affecting quality. In doing so, the department shall cooperate with counties, cities, state agencies, and public districts to the end that planning for water quality control shall be coordinated to the maximum extent possible. Such plans and recommendations shall be transmitted to the State Water Resources Control Board and to the appropriate California regional water quality control boards for their consideration in the adoption of state policy for water quality control, water quality control plans, and waste discharge requirements.

SEC. 16. Section 12923.1 is added to the Water Code, to read:

12923.1. The results of the investigations and studies conducted and the plans and design criteria developed by the department pursuant to this article shall be transmitted to the

State Water Resources Control Board and to the appropriate California regional water quality control boards for their consideration in the adoption of state policy for water quality control, water quality control plans and waste discharge requirements.

SEC. 17. Division 7 (commencing with Section 13000) of the Water Code is repealed.

SEC. 18. Division 7 (commencing with Section 13000) is added to the Water Code, to read:

DIVISION 7. WATER QUALITY

CHAPTER 1. POLICY

13000. The Legislature finds and declares that the people of the state have a primary interest in the conservation, control, and utilization of the water resources of the state, and that the quality of all the waters of the state shall be protected for use and enjoyment by the people of the state.

The Legislature further finds and declares that activities and factors which may affect the quality of the waters of the state shall be regulated to attain the highest water quality which is reasonable, considering all demands being made and to be made on those waters and the total values involved, beneficial and detrimental, economic and social, tangible and intangible.

The Legislature further finds and declares that the health, safety and welfare of the people of the state requires that there be a statewide program for the control of the quality of all the waters of the state; that the state must be prepared to exercise its full power and jurisdiction to protect the quality of waters in the state from degradation originating inside or outside the boundaries of the state; that the waters of the state are increasingly influenced by interbasin water development projects and other statewide considerations; that factors of precipitation, topography, population, recreation, agriculture, industry and economic development vary from region to region within the state; and that the statewide program for water quality control can be most effectively administered regionally, within a framework of statewide coordination and policy.

13001. It is the intent of the Legislature that the state board and each regional board shall be the principal state agencies with primary responsibility for the coordination and control of water quality. The state board and regional boards in exercising any power granted in this division shall conform to and implement the policies of this chapter and shall, at all times, coordinate their respective activities so as to achieve a unified and effective water quality control program in this state.

13002. No provision of this division or any ruling of the state board or a regional board is a limitation:

(a) On the power of a city or county or city and county to adopt and enforce additional regulations, not in conflict

therewith, imposing further conditions, restrictions, or limitations with respect to the disposal of waste or any other activity which might degrade the quality of the waters of the state.

(b) On the power of any city or county or city and county to declare, prohibit, and abate nuisances.

(c) On the power of the Attorney General, at the request of a regional board, the state board, or upon his own motion, to bring an action in the name of the people of the State of California to enjoin any pollution or nuisance.

(d) On the power of a state agency in the enforcement or administration of any provision of law which it is specifically permitted or required to enforce or administer.

(e) On the right of any person to maintain at any time any appropriate action for relief against any private nuisance as defined in the Civil Code or for relief against any contamination or pollution.

CHAPTER 1.5. SHORT TITLE

13020. This division shall be known and may be cited as the Porter-Cologne Water Quality Control Act.

CHAPTER 2. DEFINITIONS

13050. As used in this division:

(a) "State board" means the State Water Resources Control Board.

(b) "Regional board" means any California regional water quality control board for a region as specified in Section 13200.

(c) "Person" also includes any city, county, district, the state or any department or agency thereof.

(d) "Waste" includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature.

(e) "Waters of the state" means any water, surface or underground, including saline waters, within the boundaries of the state.

(f) "Beneficial uses" of the waters of the state that may be protected against quality degradation include, but are not necessarily limited to, domestic, municipal, agricultural and industrial supply; power generation; recreation; esthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves.

(g) "Quality of the water" or "quality of the waters" refers to chemical, physical, biological, bacteriological, radiological, and other properties and characteristics of water which affect its use.

(h) "Water quality objectives" means the limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area.

(i) "Water quality control" means the regulation of any activity or factor which may affect the quality of the waters of the state and includes the prevention and correction of water pollution and nuisance.

(j) "Water quality control plan" consists of a designation or establishment for the waters within a specified area of (1) beneficial uses to be protected, (2) water quality objectives, and (3) a program of implementation needed for achieving water quality objectives.

(k) "Contamination" means an impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. "Contamination" shall include any equivalent effect resulting from the disposal of waste, whether or not waters of the state are affected.

(*l*) "Pollution" means an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects: (1) such waters for beneficial uses, or (2) facilities which serve such beneficial uses. "Pollution" may include "contamination."

(m) "Nuisance" means anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and (3) occurs during or as a result of the treatment or disposal of wastes.

(n) "Reclaimed water" means water which, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would not otherwise occur.

(o) "Citizen or domiciliary" of the State of California includes a foreign corporation having substantial business contacts in the State of California or which is subject to service of process in this state.

Chapter 3. State Water Quality Control

Article 1. State Water Resources Control Board

13100. There is in the Resources Agency the State Water Resources Control Board, the Water Quality Advisory Committee, and the California regional water quality control boards. The organization, membership, and some of the duties of the state board are provided for in Article 3 (commencing with Section 174) of Chapter 2 of Division 1 of this code.

Article 2. Water Quality Advisory Committee

13120. There is in the State Water Resources Control Board a Water Quality Advisory Committee to provide information and advice to the board on state and regional prob-

lems and technical matters. The committee shall consist of the chairman of each of the nine regional water quality control boards or his designee and nine members appointed by the Governor. Of the nine members appointed by the Governor one person with specialized knowledge shall be selected from each of the following fields:

(a) Agricultural science, including water use and drainage.
(b) Aquatic biology.
(c) Economics.
(d) Environmental sciences.
(e) Industrial waste problems.
(f) Municipal waste problems.
(g) Oceanography.
(h) Recreational water use.
(i) Urban planning.

The members of the existing committee shall continue to serve until the expiration of their terms at which time the Governor shall appoint members in accordance with the foregoing categories.

Insofar as practical, the Governor shall appoint members in such manner as to afford representation on the committee of all parts of the state.

All members appointed to the committee shall serve for a term of four years.

13121. The committee shall meet at least once each quarter. The committee may meet jointly with the state board. All meetings shall be open and public.

13122. The committee shall annually elect one of its members chairman. Ten of the members of the committee shall constitute a quorum for the purpose of transacting any business of the committee.

13123. Each member of the committee shall be entitled to receive his actual necessary expenses for each day while on official business of the committee.

13124. The state board may consult with and seek the advice of the committee with regard to state board responsibilities relating to water quality control and shall do so prior to adopting state policy for water quality control pursuant to subdivisions (a) and (d) of Section 13142. The committee shall advise the board on such matters.

Article 3. State Policy for Water Quality Control

13140. The state board shall formulate and adopt state policy for water quality control. Such policy shall be adopted in accordance with the provisions of this article and shall be in conformity with the policies set forth in Chapter 1 (commencing with Section 13000).

13141. State policy for water quality control adopted or revised in accordance with the provisions of this article, and regional water quality control plans approved or revised in

accordance with Section 13245, shall become a part of the California Water Plan effective when such state policy for water quality control, and such regional water quality control plans have been reported to the Legislature at any session thereof.

13142. State policy for water quality control shall consist of all or any of the following:

(a) Water quality principles and guidelines for long-range resource planning, including ground water and surface water management programs and control and use of reclaimed water.

(b) Water quality objectives at key locations for planning and operation of water resource development projects and for water quality control activities.

(c) Water quality control plans adopted by the state board for interstate or coastal waters or other waters of interregional or statewide interest.

(d) Other principles and guidelines deemed essential by the state board for water quality control.

13143. State policy for water quality control shall be periodically reviewed and may be revised.

13144. During the process of formulating or revising state policy for water quality control the state board shall consult with and carefully evaluate the recommendations of concerned federal, state, and local agencies.

13145. The state board shall take into consideration the effect of its actions pursuant to this chapter on the California Water Plan as adopted or revised pursuant to Division 6 (commencing with Section 10000) of this code, and on any other general or coordinated governmental plan looking toward the development, utilization, or conservation of the waters of the state.

13146. State offices, departments and boards, in carrying out activities which affect water quality, shall comply with state policy for water quality control unless otherwise directed or authorized by statute, in which case they shall indicate to the state board in writing their authority for not complying with such policy.

13147. The state board shall not adopt state policy for water quality control unless a public hearing is first held respecting the adoption of such policy. At least 90 days in advance of such hearing the state board shall notify any affected regional boards, and shall give notice of such hearing by publication within the affected region pursuant to Section 6061 of the Government Code. The regional boards shall submit written recommendations to the state board at least 20 days in advance of the hearing.

Article 4. Other Powers and Duties of the State Board

13160. The state board is designated as the state water pollution control agency for all purposes stated in the Federal Water Pollution Control Act and any other federal act, here-

tofore or hereafter enacted, and is authorized to give any certificate or statement required by any federal agency pursuant to any such federal act that there is reasonable assurance that an activity of any person subject to the jurisdiction of the state board will not reduce water quality below applicable standards.

13161. The state board shall annually determine state needs for water quality research and recommend projects to be conducted.

13162. The state board shall administer any statewide program of research in the technical phases of water quality control which may be delegated to it by law and may accept funds from the United States or any person to that end. The state board may conduct such a program independently, or by contract or in cooperation with any federal or state agency, including any political subdivision of the state, or any person or public or private organization.

13163. (a) The state board shall coordinate water-quality-related investigations of state agencies, recognizing that other state agencies have primary statutory authority for such investigations, and shall consult with the concerned regional boards in implementing this section.

(b) The state board from time to time shall evaluate the need for water-quality-related investigations to effectively develop and implement statewide policy for water quality control and shall transmit its recommendations for investigations to affected or concerned federal, state, and local agencies. The affected state agencies shall comply with the recommendations or shall advise the state board in writing why they do not comply with such recommendations.

(c) State agencies shall submit to the state board plans for and results of all investigations that relate to or have an effect upon water quality for review and comment.

13164. The state board shall formulate, adopt and revise general procedures for the formulation, adoption and implementation by regional boards of water quality control plans. During the process of formulating or revising such procedures, the state board shall consult with and evaluate the recommendations of any affected regional boards and may seek the advice of the Water Quality Advisory Committee.

13165. The state board may require any state or local agency to investigate and report on any technical factors involved in water quality control; provided that the burden, including costs, of such reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained therefrom.

13166. The state board, with the assistance of the regional boards, shall prepare and implement a statewide water quality information storage and retrieval program. Such program shall be coordinated and integrated to the maximum extent practicable with data storage and retrieval programs of other agencies.

13167. The state board shall implement a public information program on matters involving water quality, and shall maintain an information file on water quality research and other pertinent matters.

13168. The state board shall allocate to the regional boards from funds appropriated to the state board such part thereof as may be necessary for the administrative expenses of such boards. The regional boards shall submit annual budgets to the state board. Subject to the provisions of Chapter 3 (commencing with Section 13291) of Part 3, Division 3, Title 2 of the Government Code and any other laws giving the Department of Finance fiscal and budgetary control over state departments generally, the state board shall prepare an annual budget concerning its activities and the activities of the regional boards.

CHAPTER 4. REGIONAL WATER QUALITY CONTROL

Article 1. Organization and Membership of Regional Boards

13200. The state is divided, for the purpose of this division, into nine regions:

(a) North Coast region, which comprises all basins including Lower Klamath Lake and Lost River Basins draining into the Pacific Ocean from the California-Oregon state line southerly to the southerly boundary of the watershed of Estero de San Antonio and Stemple Creek in Marin and Sonoma Counties.

(b) San Francisco Bay region, which comprises San Francisco Bay, Suisun Bay, from Sacramento River and San Joaquin River westerly from a line which passes between Collinsville and Montezuma Island and follows thence the boundary common to Sacramento and Solano Counties and that common to Sacramento and Contra Costa Counties to the westerly boundary of the watershed of Markley Canyon in Contra Costa County, all basins draining into the bays and rivers westerly from this line, and all basins draining into the Pacific Ocean between the southerly boundary of the north coastal region and the southerly boundary of the watershed of Pescadero Creek in San Mateo and Santa Cruz Counties.

(c) Central Coast region, which comprises all basins, including Carrizo Plain in San Luis Obispo and Kern Counties, draining into the Pacific Ocean from the southerly boundary of the watershed of Pescadero Creek in San Mateo and Santa Cruz Counties to the southeasterly boundary, located in the westerly part of Ventura County, of the watershed of Rincon Creek.

(d) Los Angeles region, which comprises all basins draining into the Pacific Ocean between the southeasterly boundary,

located in the westerly part of Ventura County, of the watershed of Rincon Creek and a line which coincides with the southeasterly boundary of Los Angeles County from the ocean to San Antonio Peak and follows thence the divide between San Gabriel River and Lytle Creek drainages to the divide between Sheep Creek and San Gabriel River drainages.

(e) Santa Ana region, which comprises all basins draining into the Pacific Ocean between the southeasterly boundary of the Los Angeles region and a line which follows the drainage divide between Muddy and Moro Canyons from the ocean to the summit of San Joaquin Hills; thence along the divide between lands draining into Newport Bay and into Laguna Canyon to Niguel Road; thence along Niguel Road and Los Aliso Avenue to the divide between Newport Bay and Aliso Creek drainages; thence along that divide and the southeasterly boundary of the Santa Ana River drainage to the divide between Baldwin Lake and Mojave Desert drainages; thence along that divide to the divide between Pacific Ocean and Mojave Desert drainages.

(f) San Diego region, which comprises all basins draining into the Pacific Ocean between the southern boundary of the Santa Ana region and the California-Mexico boundary.

(g) Central Valley region, which comprises all basins including Goose Lake Basin draining into the Sacramento and San Joaquin Rivers to the easterly boundary of the San Francisco Bay region near Collinsville. The Central Valley region shall have section offices in the Sacramento Valley and the San Joaquin Valley.

(h) Lahontan region, which comprises all basins east of the Santa Ana, Los Angeles and Central Valley regions from the California-Oregon boundary to the southerly boundary located in Los Angeles and San Bernardino Counties of the watersheds draining into Antelope Valley, Mojave River Basin and Dry Lake Basin near Ivanpah.

(i) Colorado River Basin region, which comprises all basins east of the Santa Ana and San Diego regions draining into the Colorado River, Salton Sea and local sinks from the southerly boundary of the Lahontan region to the California-Mexico boundary.

The regions defined and described in this section shall be as precisely delineated on official maps of the department and include all of the areas within the boundaries of the state.

For purposes of this section the boundaries of the state extend three nautical miles into the Pacific Ocean from the line of mean lower low water marking the seaward limits of inland waters and three nautical miles from the line of mean lower low water on the mainland and each offshore island.

Nothing in this section shall limit the power conferred by this chapter to regulate the disposal of waste into ocean waters beyond the boundaries of the state.

13201. (a) There is a regional board for each of the regions described in Section 13200. Each board shall consist of the following nine members appointed by the Governor, each of whom shall represent and act on behalf of all the people and shall reside or have a principal place of business within the region:

(1) One person associated with water supply, conservation, and production.

(2) One person associated with irrigated agriculture.

(3) One person associated with industrial water use.

(4) One person associated with municipal government.

(5) One person associated with county government.

(6) One person from a responsible nongovernmental organization associated with recreation, fish, or wildlife.

(7) Three persons not specifically associated with any of the foregoing categories, two of whom shall have special competence in areas related to water quality problems.

(b) Insofar as practicable, appointments shall be made in such manner as to result in representation on the board from all parts of the region.

13202. Each member of a regional board shall be appointed for a term of four years. Vacancies shall be immediately filled by the Governor for the unexpired portion of the terms in which they occur.

13203. The official designation of each regional board shall be: California Regional Water Quality Control Board, (region name).

13204. Each regional board shall hold at least six regular meetings each calendar year and such additional special sessions as shall be called by the chairman or any two members of the regional board.

13205. Each member of the regional boards shall be entitled to receive his actual necessary expenses for each day while on official business of the board.

13206. Public officers, whether elected or appointed, may be appointed to, and may serve contemporaneously as members of, a regional board.

13207. (a) No member of a regional board shall participate in any board action pursuant to Article 4 (commencing with Section 13260) of Chapter 4, or Article 1 (commencing with Section 13300) of Chapter 5, of this division which involves himself or any waste discharger with which he is connected as a director, officer or employee, or in which he has a direct personal financial interest within the meaning of Section 1120 of the Government Code.

(b) No board member shall participate in any proceeding before any regional board or the state board as a consultant or in any other capacity on behalf of any waste discharger.

(c) Upon request of any person or on his own initiative the Attorney General may file a complaint in the superior court for the county in which the regional board has its principal

office alleging that a board member has knowingly violated this section and the facts upon which the allegation is based and asking that the member be removed from office. Further proceedings shall be in accordance as near as may be with rules governing civil actions. If after trial the court finds that the board member has knowingly violated this section it shall pronounce judgment that the member be removed from office.

Article 2. General Provisions Relating to Powers and Duties of Regional Boards

13220. Each regional board shall:

(a) Establish an office.

(b) Select one of its members as chairman at the first regular meeting held each year.

(c) Appoint as its confidential employee, exempt from civil service, under paragraph (5) of subdivision (a) of Section 4 of Article XXIV of the Constitution, and fix the salary of, an executive officer who shall meet technical qualifications as defined by the State Water Resources Control Board. The executive officer shall serve at the pleasure of the regional board.

(d) Employ such other assistants as may be determined necessary to assist the executive officer.

13221. Members of the regional board shall be empowered to administer oaths and issue subpoenas for the attendance and giving of testimony by witnesses and for the production of evidence in any proceeding before the board in any part of the region. The provisions of Chapter 3 (commencing with Section 1075) of Part I of Division 2 of this code shall apply to regional boards within their own regions, where they shall have the same power as the state board within the state.

13222. Pursuant to such guidelines as the state board may establish, each regional board shall adopt regulations to carry out its powers and duties under this division.

13223. (a) Each regional board may delegate any of its powers and duties vested in it by this division to its executive officer excepting only the following: (1) the promulgation of any regulation; (2) the issuance, modification, or revocation of any water quality control plan, water quality objectives, or waste discharge requirement; (3) the issuance, modification, or revocation of any cease and desist order; (4) the holding of any hearing on water quality control plans; and (5) the application to the Attorney General for judicial enforcement but excluding cases of specific delegation in a cease and desist order and excluding the cases described in subdivision (c) of Section 13002 and Section 13340.

(b) Whenever any reference is made in this division to any action that may be taken by a regional board, such reference includes such action by its executive officer pursuant to powers and duties delegated to him by the regional board.

13224. Each regional board may issue policy statements relating to any water quality matter within its jurisdiction.

13225. Each regional board, with respect to its region, shall:

(a) Obtain coordinated action in water quality control, including the prevention and abatement of water pollution and nuisance.

(b) Encourage and assist in self-policing waste disposal programs, and upon application of any person, advise the applicant of the condition to be maintained in any disposal area or receiving waters into which the waste is being discharged.

(c) Require as necessary any state or local agency to investigate and report on any technical factors involved in water quality control or to obtain and submit analyses of water; provided that the burden, including costs, of such reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained therefrom.

(d) Request enforcement by appropriate federal, state and local agencies of their respective water quality control laws.

(e) Recommend to the state board projects which the regional board considers eligible for any financial assistance which may be available through the state board.

(f) Report to the state board and appropriate local health officer any case of suspected contamination in its region.

(g) File with the state board, at its request, copies of the record of any official action.

(h) Take into consideration the effect of its actions pursuant to this chapter on the California Water Plan adopted or revised pursuant to Division 6 (commencing with Section 10000) of this code and on any other general or coordinated governmental plan looking toward the development, utilization or conservation of the water resources of the state.

(i) Encourage regional planning and action for water quality control.

Article 3. Regional Water Quality Control Plan

13240. Each regional board shall formulate and adopt water quality control plans for all areas within the region. Such plans shall conform to the policies set forth in Chapter 1 (commencing with Section 13000) of this division and any state policy for water quality control. During the process of formulating such plans the regional boards shall consult with and consider the recommendations of affected state and local agencies. Such plans shall be periodically reviewed and may be revised.

13241. Each regional board shall establish such water quality objectives in water quality control plans as in its judgment will ensure the reasonable protection of beneficial uses and the prevention of nuisance; however, it is recognized that it may be possible for the quality of water to be changed to some

degree without unreasonably affecting beneficial uses. Factors to be considered by a regional board in establishing water quality objectives shall include, but not necessarily be limited to, all of the following:

(a) Past, present, and probable future beneficial uses of water.

(b) Environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto.

(c) Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area.

(d) Economic considerations.

13242. The program of implementation for achieving water quality objectives shall include, but not be limited to:

(a) A description of the nature of actions which are necessary to achieve the objectives, including recommendations for appropriate action by any entity, public or private.

(b) A time schedule for the actions to be taken.

(c) A description of surveillance to be undertaken to determine compliance with objectives.

13243. A regional board, in a water quality control plan or in waste discharge requirements, may specify certain conditions or areas where the discharge of waste, or certain types of waste, will not be permitted.

13244. The regional boards shall not adopt any water quality control plan unless a public hearing is first held, after the giving of notice of such hearing by publication in the affected county or counties pursuant to Section 6061 of the Government Code. When the plan proposes to prohibit discharges of waste pursuant to Section 13243, similar notice shall be given by publication pursuant to Section 6061.3 of the Government Code.

13245. A water quality control plan, or a revision thereof, shall not become effective unless and until it is approved by the state board. The state board may approve such plan, or return it to the regional board for further consideration and resubmission to the state board. Upon resubmission the state board may either approve or, after a public hearing in the affected region, revise and approve such plan.

13246. The state board shall act upon any water quality control plan within 60 days after the regional board has submitted such plan to the state board, or 90 days after resubmission of such plan.

13247. State offices, departments, and boards, in carrying out activities which may affect water quality, shall comply with water quality control plans approved by the state board unless otherwise directed or authorized by statute, in which case they shall indicate to the regional boards in writing their authority for not complying with such plans.

Article 4. Waste Discharge Requirements

13260. (a) Any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the state, other than into a community sewer system, and any person who is a citizen, domiciliary, or political agency or entity of this state discharging waste or proposing to discharge waste outside the boundaries of the state in a manner that could affect the quality of the waters of the state within any region, shall file with the regional board of that region a report of the discharge, containing such information as may be required by the board. No report need be filed when such requirement is waived pursuant to Section 13269.

(b) Every such person discharging waste shall file with the regional board of that region a report of any material change or proposed change in the character, location, or volume of the discharge.

(c) Each report under this section shall be sworn to or submitted under penalty of perjury.

(d) Each report under this section shall be accompanied by a filing fee of not to exceed one thousand dollars ($1,000) according to a reasonable fee schedule established by the state board.

(e) When a report filed by any person pursuant to this section is not adequate in the judgment of the regional board, the board may require such person to supply such additional information as it deems necessary.

13261. Any person failing to furnish a report under Section 13260 when so requested by a regional board or falsifying any information provided under that section is guilty of a misdemeanor.

13262. The Attorney General, at the request of the regional board, shall petition the superior court for the issuance of a temporary restraining order, temporary injunction, or permanent injunction, or combination thereof, as may be appropriate, requiring any person not complying with Section 13260 to comply therewith.

13263. (a) The regional board, after any necessary hearing, shall prescribe requirements as to the nature of any proposed discharge, existing discharge, or material change therein, except discharges into a community sewer system, with relation to the conditions existing from time to time in the disposal area or receiving waters upon or into which the discharge is made or proposed. The requirements shall implement relevant water quality control plans, if any have been adopted, and shall take into consideration the beneficial uses to be protected, the water quality objectives reasonably required for that purpose, other waste discharges, the need to prevent nuisance, and the provisions of Section 13241.

(b) A regional board, in prescribing requirements, need not authorize the utilization of the full waste assimilation capacities of the receiving waters.

(c) The requirements may contain a time schedule, subject to revision in the discretion of the board.

(d) The board may prescribe requirements although no discharge report has been filed.

(e) Upon application by any affected person or on its own motion, the regional board may review and revise requirements. All requirements shall be reviewed periodically.

(f) The regional board shall notify in writing the person making or proposing the discharge or the change therein of the discharge requirements to be met. After receipt of such notice, the person so notified shall provide adequate means to meet such requirements.

(g) No discharge of waste into the waters of the state, whether or not such discharge is made pursuant to waste discharge requirements, shall create a vested right to continue such discharge. All discharges of waste into waters of the state are privileges, not rights.

13264. (a) No such person shall initiate any new discharge of waste or make any material change in any discharge prior to the filing of the report required by Section 13260 nor shall any such person do so thereafter and prior to: (1) the issuance of waste discharge requirements pursuant to Section 13263, (2) the expiration of 120 days after his compliance with Section 13260, or (3) the regional board's waiver pursuant to Section 13269, whichever of (1), (2), or (3) occurs first.

(b) The Attorney General, at the request of a regional board, shall petition the superior court for the issuance of a temporary restraining order, preliminary injunction, or permanent injunction, or combination thereof, as may be appropriate, prohibiting forthwith any person who is violating or threatening to violate this section from: (1) discharging the waste in question or (2) making any material change therein, whichever of (1) or (2) is applicable.

13265. Any person discharging waste in violation of Section 13264, after such violation has been called to his attention in writing by the regional board, is guilty of a misdemeanor. Each day of such discharge shall constitute a separate offense.

13266. Pursuant to such regulations as the regional board may prescribe, each city, county, or city and county shall notify the regional board of the filing of a tentative subdivision map, or of any application for a building permit which may involve the discharge of waste, other than discharges into a community sewer system and discharges from dwellings involving five-family units or less.

13267. (a) A regional board, in establishing or reviewing any water quality control plan or waste discharge requirements, or in connection with any action relating thereto, may investigate the quality of any waters of the state within its region.

(b) In such an investigation, the regional board may require that any person discharging or proposing to discharge waste within its region or any citizen or domiciliary, or political agency or entity of this state discharging or proposing to discharge waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, such technical or monitoring program reports as the board may specify; provided that the burden, including costs, of such reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained therefrom.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to governmental agencies for use in making studies; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report.

(c) In such an investigation, the regional board may inspect the facilities of any such person to ascertain whether the purposes of this division are being met and waste discharge requirements are being complied with. Such inspection shall be made with the consent of the owner or possessor of such facilities or, if such consent is refused, with a warrant duly issued pursuant to the procedure set forth in Title 13 (commencing with Section 1822.50) of Part 3 of Code of Civil Procedure; provided, however, that in the event of an emergency affecting the public health or safety such inspection may be made without consent or the issuance of a warrant.

13268. Any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of Section 13267 or falsifying any information provided therein is guilty of a misdemeanor.

13269. The provisions of subdivisions (a) and (b) of Section 13260, subdivision (a) of Section 13263, or subdivision (a) of Section 13264 may be waived by a regional board as to a specific discharge or a specific type of discharge where such waiver is not against the public interest. Such waiver shall be conditional and may be terminated at any time by the board.

CHAPTER 5. ENFORCEMENT AND IMPLEMENTATION

Article 1. Administrative Enforcement and Remedies by Regional Boards

13300. Whenever a regional board finds that a discharge of waste is taking place or threatening to take place within its region that violates or will violate requirements prescribed by the regional board or that the waste collection, treatment, or disposal facilities of a discharger are approaching capacity, the board may require the discharger to submit for ap-

proval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements.

13301. When a regional board finds that a discharge of waste is taking place or threatening to take place within its region in violation of requirements or discharge prohibitions prescribed by the regional board, the board may issue an order to cease and desist and direct that those persons not complying with the requirements or discharge prohibitions (a) comply forthwith, (b) comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventive action. In the event of an existing or threatened violation of waste discharge requirements in the operation of a community sewer system, cease and desist orders may restrict or prohibit the volume, type, or concentration of waste that might be added to such system by dischargers who did not discharge into the system prior to the issuance of the cease and desist order. Cease and desist orders may be issued directly by a board, after notice and hearing, or in accordance with the procedure set forth in Section 13302.

13302. (a) Hearings for consideration of issuance of a cease and desist order may be conducted by hearing panels designated by the regional board, each panel to consist of three or more members of the board as it may specify. A member of the board may serve on more than one panel.

(b) Due notice of the hearing shall be given to all affected persons. After the hearing, the panel shall report its proposed decision and order to the regional board and shall supply a copy to all parties who appeared at the hearing and requested a copy. Members of the panel are not disqualified from sitting as members of the board in deciding the matter. The board, after making such independent review of the record and taking such additional evidence as may be necessary, may adopt, with or without revision, the proposed decision and order of the panel.

13303. Cease and desist orders of the board shall become effective and final as to the board upon issuance thereof. Copies shall be served forthwith by registered mail upon the person being charged with the violation of the requirements and upon other affected persons who appeared at the hearing and requested a copy.

13304. (a) Any person who discharges waste into the waters of this state in violation of any waste discharge requirement or other order issued by a regional board, or who intentionally or negligently causes or permits any waste to be deposited where it is discharged into the waters of the state and creates a condition of pollution or nuisance, shall upon order of the regional board clean up such waste or abate the effects thereof. Upon failure of any person to comply with

such cleanup or abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for the issuance of an injunction requiring such person to comply therewith. In any such suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant.

(b) If such waste is cleaned up or the effects thereof abated by any governmental agency after issuance of a regional board cleanup or abatement order, such person shall be liable to that governmental agency to the extent of the reasonable costs actually incurred in cleaning up such waste or abating the effects thereof. The amount of such costs shall be recoverable in a civil action by, and paid to, such governmental agency and the state board to the extent of the latter's contribution to the cleanup costs from the State Water Pollution Cleanup and Abatement Account.

13305. (a) Upon determining that a condition of pollution or nuisance exists which has resulted from a nonoperating industrial or business location within its region, a regional board may cause notice of such condition to be posted upon the property in question. The notice shall state that such condition constitutes either a condition of pollution or nuisance which must be abated by correction of such condition, otherwise it will be corrected by the city, county, other public agency, or regional board at the property owner's expense. Such notice shall further state that all property owners having any objections to the proposed correction of such condition may attend a hearing to be held by the board at a time not less than 10 days from the posting of the notice.

(b) Notice of the hearing prescribed in this section shall be given in the county where the property is located pursuant to Section 6061 of the Government Code.

(c) In addition to posting and publication, notice as required in this section shall be mailed to the property owners as their names and addresses appear from the last equalized assessment roll.

(d) At the time stated in the notices, the board shall hear and consider all objections or protests, if any, to the proposed correction of the condition, and may continue the hearing from time to time.

(e) After final action is taken by the board on the disposition of any protests or objections, or in case no protests or objections are received, the board shall request the city, county, or other public agency in which the conditions of pollution or the nuisance exists to abate it. In the event that such city, county, or other public agency does not abate such condition within a reasonable time the board shall cause the condition to be abated. It may proceed by force account, contract or other agreement or any other method deemed

most expedient by the board, and shall apply to the state board for the necessary funds.

(f) The owner of the property on which the condition exists, or is created, is liable for all reasonable costs incurred by the board or any city, county, or public agency in abating the condition and the amount of the cost for abating the condition upon the property in question shall constitute a lien upon the property and notice of such lien and the amount thereof shall be recorded in the county in which the property is located. Such lien may be foreclosed by an action brought by the city, county, other public agency, or state board, on behalf of the regional board, for a money judgment. Money recovered by a judgment in favor of the state board shall be returned to the State Water Pollution Cleanup and Abatement Account.

(g) As used in this section, the words "nonoperating" or "not in operation" mean the business is not conducting routine operations usually associated with that kind of business.

Article 2. Administrative Enforcement and Remedies by the State Board

13320. (a) Upon petition by any aggrieved person or upon its own motion, the state board may at any time review any action or failure to act by a regional board under Article 4 (commencing with Section 13260) of Chapter 4 of this division or under Chapter 5 (commencing with Section 13300) of this division.

(b) The evidence before the state board shall consist of (i) the record before the regional board, and (ii) any other relevant evidence which, in the judgment of the state board, should be considered to effectuate and implement the policies of this division.

(c) The state board may find the regional board action or inaction to be appropriate and proper. Upon finding that the action of the regional board, or the failure of the regional board to act, was inappropriate or improper, the state board may: (1) direct that the appropriate action be taken by the regional board, (2) refer the matter to any other state agency having jurisdiction, (3) take the appropriate action itself, or (4) any combination of the foregoing. In taking any such action, the state board is vested with all the powers of the regional boards under this division.

(d) In the event a waste discharge in one region affects the waters in another region and there is any disagreement between the regional boards involved as to the requirements which should be established, either regional board may submit the disagreement to the state board which shall determine the applicable requirements.

13321. (a) In the case of a review by the state board under Section 13320, the state board, upon notice and a hear-

ing, may stay in whole or in part the effect of the decision and order of a regional board or of the state board.

(b) If a petition is filed with the superior court to review a decision of the state board, any stay in effect at the time of the filing the petition shall remain in effect by operation of law for a period of 20 days from the date of the filing of such petition.

Article 3. Judicial Review and Enforcement

13330. (a) Within 30 days after service of a copy of a decision and order issued by the state board under Section 13320, any aggrieved party may file with the superior court a petition for a writ of mandate for review thereof. Failure to file such an action shall not preclude a party from challenging the reasonableness and validity of a decision or order of a regional board or the state board in any judicial proceedings brought to enforce such decision or order or for other civil remedies.

(b) The evidence before the court shall consist of the record before the state board, including the regional board's record, and any other relevant evidence which, in the judgment of the court, should be considered to effectuate and implement the policies of this division. In every such case, the court shall exercise its independent judgment on the evidence.

(c) Except as otherwise provided herein, the provisions of subdivisions (e) and (f) of Section 1094.5 of the Code of Civil Procedure shall govern proceedings pursuant to this section.

13331. (a) Upon the failure of any person or persons to comply with any cease and desist order issued by a regional board or the state board, the Attorney General, upon request of the board, shall petition the superior court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, restraining such person or persons from continuing the discharge in violation of the cease and desist order.

(b) The evidence before the court shall consist of the record before the regional board or state board, or both, and any other relevant evidence which, in the judgment of the court, should be considered to effectuate and implement the policies of this division In every such case, the court shall exercise its independent judgment on the evidence.

(c) The court shall issue an order directing defendants to appear before the court at a time and place certain and show cause why the injunction should not be issued. The court may grant such prohibitory or mandatory relief as may be warranted.

(d) The court may stay the operation of the cease and desist order. Any such stay may be imposed or continued only if it is not against the public interest.

Article 4. Summary Judicial Abatement

13340. Whenever a regional board finds that a discharge of waste within its region is taking place or threatening to take place which does or will cause a condition of pollution or nuisance, constituting an emergency requiring immediate action to protect the public health, welfare, or safety, the Attorney General, upon request of the board, shall petition the superior court to enjoin such discharge. The court shall have jurisdiction to grant such prohibitory or mandatory injunctive relief as may be warranted by way of temporary restraining order, preliminary injunction, and permanent injunction.

Article 5. Civil Monetary Remedies

13350. (a) Any person who intentionally or negligently violates any cease and desist order hereafter issued, reissued, or amended by a regional board or the state board may be liable civilly in a sum of not to exceed six thousand dollars ($6,000) for each day in which such violation occurs.

(b) The Attorney General, upon request of the regional or state board, shall petition the superior court to impose, assess and recover such sums. In determining such amount, the court shall take into consideration all relevant circumstances, including but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs and corrective action, if any, taken by the discharger.

(c) The provisions of Articles 3 (commencing with Section 13330) and 6 (commencing with Section 13360) of this chapter shall apply to proceedings to impose, assess and recover an amount pursuant to this article.

Article 6. General Provisions Relating to Enforcement and Review

13360. No waste discharge requirement or other order of a regional or state board or decree of court issued under the provisions of this division shall specify the design, location, type of construction or particular manner in which compliance may be had with such requirement, order or decree, and the person so ordered shall be permitted to comply therewith in any lawful manner; provided, however, that if the court, in an action for an injunction brought under this division, finds that the enforcement of an injunction restraining the discharger from discharging waste would be impracticable, the court shall have the power to issue any order reasonable under the circumstances requiring specific measures to be undertaken by the discharger to comply with the discharge requirements, order or decree.

13361. (a) Every civil action brought under the provisions of this division at the request of a regional board or the

state board shall be brought by the Attorney General in the name of the people of the State of California and any such actions relating to the same discharge may be joined or consolidated.

(b) Any civil action brought pursuant to this division shall be brought in a county in which the discharge is made, or proposed to be made.

(c) In any civil action brought pursuant to this division in which a temporary restraining order, preliminary injunction, or permanent injunction is sought, it shall not be necessary to allege or prove at any stage of the proceeding that irreparable damage will occur should the temporary restraining order, preliminary injunction, or permanent injunction not be issued, or that the remedy at law is inadequate, and the temporary restraining order, preliminary injunction, or permanent injunction shall issue without such allegations and without such proof.

CHAPTER 6. STATE FINANCIAL ASSISTANCE

Article 1. State Water Quality Control Fund

13400. As used in this chapter, unless otherwise apparent from the context:

(a) "Fund" means the State Water Quality Control Fund.

(b) "Public agency" means any city, county, city and county, district, or other political subdivision of the state.

(c) "Facilities" means either or both: (1) facilities for the collection, treatment, or export of waste when necessary to prevent water pollution or (2) facilities to reclaim waste waters and to convey reclaimed water.

13401. The State Water Quality Control Fund is continued in existence. The following moneys in the fund are appropriated, without regard to fiscal years, for expenditure by the state board in making loans to public agencies in accordance with the provisions of this chapter:

(a) The balance of the original moneys deposited therein.

(b) Any money repaid thereto.

(c) Any remaining balance of the money in the fund deposited therein after the specific appropriations for loans to the South Tahoe Public Utility District, the North Tahoe Public Utility District, the Tahoe City Public Utility District, the Truckee Sanitary District, and to any other governmental entity in the areas served by such districts have been made.

Article 2. Loans to Local Agencies

13410. Applications for construction loans under this chapter shall include:

(a) A description of the proposed facilities.

(b) A statement of facts showing the necessity for the proposed facilities and showing that funds of the public agency

are not available for financing such facilities and that the sale of revenue or general obligation bonds through private financial institutions is impossible or would impose an unreasonable burden on the public agency.

(c) A proposed plan for repaying the loan.

(d) Other information as required by the state board.

13411. Upon a determination by the state board, after consultation with the State Board of Public Health, that (a) the facilities proposed by an applicant are necessary to the health or welfare of the inhabitants of the state, (b) that the proposed facilities meet the needs of the applicant, (c) that funds of the public agency are not available for financing such facilities and that the sale of revenue or general obligation bonds through private financial institutions is impossible or would impose an unreasonable burden on the public agency, (d) that the proposed plan for repayment is feasible, (e) in the case of facilities proposed under Section 13400(c)(1) that such facilities are necessary to prevent water pollution, and (f) in the case of facilities proposed under Section 13400(c)(2) that such facilities will produce reclaimed water and that the public agency has adopted a feasible program for use thereof, the state board, subject to approval by the Director of Finance, may loan to the applicant such sum as it determines is not otherwise available to the public agency to construct the proposed facilities.

13412. No loan shall be made to a public agency unless it executes an agreement with the state board under which it agrees to repay the amount of the loan, with interest, within 25 years following, at the election of the state board and with the concurrence of the Director of Finance, a 10-year moratorium on principal and interest payments. Except as otherwise provided in this section, the interest shall be at a rate equal to the average, as determined by the state 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. The interest falling due after the moratorium shall be payable at the last rate applied during the moratorium. However, 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.

The interest rate applicable to any loan made pursuant to this chapter for which an application was filed prior to January 1, 1967, shall be at the rate of 2 percent.

13413. It is the policy of this state that, in making construction loans under this article, the state board should give special consideration to facilities proposed to be constructed by public agencies in areas in which further construction of buildings has been halted by order of the Department of Public Health or a local health department, or both, or notice has

been given that such an order is being considered; provided, however, that each of the public agencies designated in this section shall otherwise comply with all of the other provisions of this chapter.

13414. All money received in repayment of loans under this chapter shall be paid to the State Treasurer and credited to the fund.

13415. (a) Loans may be made by the state board to public agencies to pay not more than one-half of the cost of studies and investigations made by such public agencies in connection with waste water reclamation.

(b) Not more than a total of two hundred thousand dollars ($200,000) shall be loaned pursuant to this section in any fiscal year, and not more than fifty thousand dollars ($50,000) shall be loaned to any public agency in any fiscal year pursuant to this section. In the event that less than two million dollars ($2,000.000) is available in any fiscal year for loans under this article, then not more than 10 percent of the available amount shall be available for loans for studies and investigations pursuant to this section.

(c) Applications for such loans shall be made in such form, and shall contain such information, as may be required by the state board.

(d) Such loans shall be repaid within a period not to exceed 10 years, with interest at a rate established in the manner provided in Section 13412.

13416. Before a public agency may enter into a contract with the state board for a construction loan under this chapter, the public agency shall hold an election on the proposition of whether or not the public agency shall enter into the proposed contract and more than 50 percent of the votes cast at such election must be in favor of such proposition.

13417. The election shall be held in accordance with the following provisions:

(a) The procedure for holding an election on the incurring of bonded indebtedness by such public agency shall be utilized for an election of the proposed contract as nearly as the same may be applicable. Where the law applicable to such agency does not contain such bond election procedure, the procedure set forth in the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) Part 1, Division 2, Title 5 of the Government Code), as it may now or hereafter be amended, shall be utilized as nearly as the same may be applicable.

(b) No particular form of ballot is required.

(c) The notice of the election shall include a statement of the time and place of the election, the purpose of the election, the general purpose of the contract, and the maximum amount of money to be borrowed from the state under the contract.

(d) The ballots for the election shall contain a brief statement of the general purpose of the contract substantially as stated in the notice of the election, shall state the maximum

amount of money to be borrowed from the state under the contract, and shall contain the words "Execution of contract—Yes" and "Execution of contract—No."

(e) The election shall be held in the entire public agency except where the public agency proposes to contract with the state board on behalf of a specified portion, or of specified portions, of the public agency, in which case the election shall be held in such portion or portions of the public agency only.

Article 3. State Water Pollution Cleanup and Abatement Account

13440. There is in the State Water Quality Control Fund the State Water Pollution Cleanup and Abatement Account (hereinafter called the "account"), to be administered by the state board.

13441. There is to be paid into the account all moneys from the following sources:

(a) All moneys appropriated by the Legislature for the account.

(b) All moneys contributed to the account by any person and accepted by the state board.

(c) One-half of all moneys collected by way of criminal penalty and all moneys collected civilly under any proceeding brought pursuant to any provision of this division.

(d) All moneys collected by the state board for the account under Section 13304.

All moneys paid into the account are available without regard to fiscal years, for expenditure by the state board in accordance with the provisions of this article.

13442. Upon application by a public agency with authority to clean up a waste or abate the effects thereof, the state board may order moneys to be paid from the account to the agency to assist it in cleaning up the waste or abating its effects on waters of the state. The agency shall not become liable to the state board for repayment of such moneys, but this shall not be any defense to an action brought pursuant to subdivision (b) of Section 13304 for the recovery of moneys paid hereunder.

Chapter 7. Water Reclamation

Article 1. Short Title

13500. This chapter shall be known as and may be cited as the Water Reclamation Law.

Article 2. Declaration of Policy

13510. It is hereby declared that the people of the state have a primary interest in the development of facilities to reclaim water containing waste to supplement existing surface

and underground water supplies and to assist in meeting the future water requirements of the state.

13511. The Legislature finds and declares that a substantial portion of the future water requirements of this state may be economically met by beneficial use of reclaimed water.

The Legislature further finds and declares that the utilization of reclaimed water by local communities for domestic, agricultural, industrial, recreational, and fish and wildlife purposes will contribute to the peace, health, safety and welfare of the people of the state. Use of reclaimed water constitutes the development of "new basic water supplies" as that term is used in Chapter 5 (commencing with Section 12880) of Part 6 of Division 6.

13512. It is the intention of the Legislature that the state undertake all possible steps to encourage development of water reclamation facilities so that reclaimed water may be made available to help meet the growing water requirements of the state.

Article 3. State Assistance

13515. In order to implement the policy declarations of this chapter, the state board is authorized to provide loans for the development of water reclamation facilities, or for studies and investigations in connection with water reclamation, pursuant to the provisions of Chapter 6 (commencing with Section 13400) of this division.

Article 4. Regulation of Reclamation

13520. As used in this article "reclamation criteria" are the levels of constituents of reclaimed water, and means for assurance of reliability under the design concept which will result in reclaimed water safe from the standpoint of public health, for the uses to be made.

13521. The State Department of Public Health shall establish statewide reclamation criteria for each varying type of use of reclaimed water where such use involves the protection of public health.

13522. Whenever the State Department of Public Health or any local health officer finds that a contamination exists as a result of use of reclaimed water, the department or local health officer shall order the contamination abated in accordance with the procedure provided for in Chapter 6 (commencing with Section 5400) of Part 3, Division 5 of the Health and Safety Code.

13523. Each regional board, after consulting with and receiving the recommendations of the State Department of Public Health, and if it determines such action to be necessary to protect the public health, safety, or welfare, shall establish water reclamation requirements for water which is used or will be used as reclaimed water. Such requirements shall include, or be in conformance with, the statewide reclamation

criteria established pursuant to this article. The regional board may require the submission of a preconstruction report for the purpose of determining compliance with the reclamation criteria.

13524. Upon refusal or failure of any person or persons to comply with any water reclamation requirements established by a regional board pursuant to this article, the regional board establishing the requirements may certify the facts to the Attorney General who shall petition the superior court for the county in which the violation or threatened violation occurs for the issuance of a mandatory injunction requiring such person or persons to comply with such water reclamation requirements, and proceedings thereon shall be conducted in the same manner as in any other action brought for an injunction pursuant to Chapter 3 (commencing with Section 525), Title 7, Part 2 of the Code of Civil Procedure.

13525. No person shall use reclaimed water for any purpose for which reclamation criteria have been established until water reclamation requirements have been established therefor pursuant to this article. The Attorney General, at the request of a regional board, shall petition the superior court of the county in which the violation occurs for an injunction pursuant to Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, to enjoin any act, actual or threatened, in violation of this section.

13526. Any person who, after such action has been called to his attention in writing by the regional board, uses reclaimed water for any purpose for which reclamation criteria have been established prior to the establishment of water reclamation requirements, is guilty of a misdemeanor.

13527. In administering any statewide program of financial assistance for water pollution or water quality control which may be delegated to it pursuant to Chapter 6 (commencing with Section 13400) of this division, the state board shall give added consideration to water quality control facilities providing optimum water reclamation and use of reclaimed water.

Nothing in this chapter prevents the appropriate regional board from establishing waste discharge requirements if a discharge is involved.

13528. No provision of this chapter shall be construed as affecting the existing powers of the State Department of Public Health.

Article 5. Surveys and Investigations

13530. The department, either independently or in cooperation with any person or any county, state, federal, or other agency, or on request of the state board, to the extent funds are allocated therefor, shall conduct surveys and investigations relating to the reclamation of water from waste pursuant to Section 230.

Article 6. Waste Well Regulation

13540. No person shall construct, maintain or use any waste well extending to or into a subterranean water-bearing stratum that is used or intended to be used as, or is suitable for, a source of water supply for domestic purposes. Notwithstanding the foregoing, when a regional board finds that water quality considerations do not preclude controlled recharge of such stratum by direct injection, and when the State Board of Public Health, following a public hearing, finds the proposed recharge will not impair the quality of water in the receiving aquifer as a source of water supply for domestic purposes, reclaimed water may be injected by a well into such stratum. The State Board of Public Health may make and enforce such regulations pertaining thereto as it deems proper. Nothing in this section shall be construed to affect the authority of the state board or regional boards to prescribe and enforce requirements for such discharge.

13541. As used in this article, "waste well" includes any hole dug or drilled into the ground, used or intended to be used for the disposal of waste.

CHAPTER 8. FEDERAL ASSISTANCE FOR TREATMENT FACILITIES

13600. The state board shall administer any program of financial assistance for water quality control which may be delegated to it by law, and may accept funds from the United States or any person to that end.

13601. The state board, in cooperation with the regional boards, shall survey the statewide need for waste collection, treatment and disposal facilities which will be required during the five-year period, January 1, 1968, to December 31, 1972, inclusive, to adequately protect the waters of the state for beneficial use. The state board shall also, biennially, commencing in 1970, survey the need for facilities which will be required by public agencies for the ensuing five-year period. The state board may request a local public agency operating such facilities to transmit to its regional board a report on the following:

(a) A summary of the construction or improvement of its waste collection, treatment and disposal facilities and amounts expended therefor.

(b) An estimate of its needs for the five-year period, January 1, 1968, to December 31, 1972, inclusive, and for any ensuing five-year period.

The state board shall review the information contained in the reports made by the local public agencies. The state board shall submit to the Legislature findings and conclusions as to the anticipated local, state, and federal financing necessary to provide the needed facilities for such periods.

13602. The state board shall make no commitment or enter into any agreement pursuant to an exercise of authority under

this chapter until it has determined that any money required to be furnished as the state's share of project cost is available for such purpose.

13603. The Governor may request the funds required to finance the state's share of project costs for each fiscal year through inclusion of the anticipated state's share in the annual Budget Bill.

13604. The state board shall review and approve each waste collection, treatment, and disposal project for which an application for a grant under the act has been made. The state board shall, in reviewing each project, determine whether such project is in conformity with statewide policies for control of water pollution and water quality and in conformity with policies with respect to water pollution control and water quality control adopted by regional water quality control boards, and shall certify that such project is entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs.

13605. For the purpose of reviewing applications for grants made pursuant to authority granted in Section 13600, the state board shall give added consideration to applicants having facilities providing optimum water reclamation and use of reclaimed water.

13606. If an application states that the applicant is not able to finance the local agency share of the project, the state board shall consider whether the applicant should be required to levy a sewerage service charge. If the state board determines a sewerage service charge is necessary to pay such costs, the state board shall not approve the grant application unless, as a condition to such approval, the applicant agrees to levy a reasonable and equitable sewerage service charge in connection with the proposed project.

Any such applicant, not otherwise authorized, is authorized by this section to levy a sewerage service charge pursuant to such an agreement, and shall levy such charge in the manner provided in the agreement.

13607. All money appropriated by the Legislature for the state's share of the project costs shall be appropriated without regard to fiscal years, or shall augment an appropriation without regard to fiscal years.

13608. After January 1, 1971, no application for a grant under the Federal Water Pollution Control Act, or amendment thereof, or pursuant to Chapter 5 (commencing with Section 13400) of this division, shall be accepted by the state board unless such application contains assurances that at least one person responsible for plant operations meets or will meet operator training qualifications, adopted pursuant to Chapter 9 (commencing with Section 13625) of this division, for the proposed plant, as well as the plant in current operation.

CHAPTER 9. SEWAGE TREATMENT PLANT OPERATOR QUALIFICATIONS

13625. The State Water Resources Control Board is the state agency which is authorized to represent the state and its local governmental agencies in administering any federal or state funds available for waste treatment plant operator training.

13626. The state board shall classify types of sewage treatment plants for the purpose of determining the levels of competence necessary to operate them. The state board shall adopt and promulgate regulations setting forth the types of plants and the factors on which the state board based its classification.

13627. The state board shall develop and specify in its regulations the training necessary to qualify an operator for each level of competence for each type of plant. Prior to establishment of such training qualifications the state board shall consult with the California Public Service Training and Education Advisory Council. The state board may accept experience in lieu of qualification training.

13628. The state board may approve courses of instruction at higher educational institutions which will qualify operators for each level of competence. The state board shall also approve courses of instruction given by professional associations, or other nonprofit private or public agencies which shall be deemed equivalent to courses of instruction given by higher educational institutions.

13629. The state board may provide technical and financial assistance to organizations providing operator training programs.

13630. Prior to approving any courses for operator training, the state board shall appoint an advisory committee to assist it in carrying out its responsibilities under this chapter.

13631. This chapter shall not apply to nongovernmentally owned or operated facilities.

CHAPTER 10. WATER WELLS AND CATHODIC PROTECTION WELLS

Article 1. Declaration of Policy

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.

Article 2. Definitions

13710. "Well" or "water well" as used in this chapter, means any artificial excavation constructed by any method for the purpose of extracting water from, or injecting water into, the underground. This definition shall not include: (a) oil and gas wells, or geothermal wells constructed under the jurisdiction of the Department of Conservation, except those wells converted to use as water wells; or (b) wells used for the purpose of (1) dewatering excavation during construction, or (2) stabilizing hillsides or earth embankments.

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.

Article 3. Reports

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.

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 iden-

tification 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.

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.

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.

13754. Failure to comply with any provision of this article, or willful and deliberate falsification of any report required by this article, is a misdemeanor.

Before commencing prosecution against any person, other than for willful and deliberate falsification of any report required by this article, the person shall be given reasonable opportunity to comply with the provisions of this article.

13755. Nothing in this chapter shall affect the powers and duties of the State Department of Public Health with respect to water and water systems pursuant to Chapter 7 (commencing with Section 4010) of Division 5 of the Health and Safety Code. Every person shall comply with this chapter and any regulation adopted pursuant thereto, in addition to standards adopted by any city or county.

Article 4. Quality Control

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.

13801. The regional board upon receipt of a report from the department shall hold a public hearing on the need to establish such well standards for the area involved. The regional board may hold such a public hearing with respect to any area regardless of whether a report has been received

from the department if it has information that such standards may be needed.

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. The report shall also contain any well standards which have been recommended by the department.

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.

13804. Such county and city well standards shall take effect 60 days from the date of their adoption by the county or city unless the regional board, on its own motion, or on the request of any affected person, holds a public hearing on the matter and determines that the county or city well standards are not sufficiently restrictive to protect the quality of the affected waters. If the board makes such a determination it shall so report to the affected county or city and also recommend the well standards, or the modification of the county or city well standards, which it determines are necessary.

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 180 days of receipt of the regional board's report of its determination that such standards are necessary pursuant to Section 13802, or fails to adopt or modify such well standards in the manner determined as necessary by the regional board pursuant to Section 13804 within 90 days of receipt of the regional board's report, the regional board may adopt standards for water well and cathodic protection well construction, maintenance, abandonment, and destruction for the area. Such regional board well standards shall take effect 30 days from the date of their adoption by the regional board and shall be enforced by the city or county and have the same force and effect as if adopted as a county or city ordinance.

13806. Any action, report, or determination taken or adopted by a regional board or any failure of a regional board to act pursuant to this article, or any county or city ordinance in the event of the failure of a regional board to review such ordinance pursuant to Section 13804, 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 13320. The state board has the same powers as to the review of action or inaction of a regional board or of a county or city ordinance under this article as it has as to other action or inaction of a regional board under Section 13320, including being vested with all the powers granted a regional board under this article, with like force and effect if it finds that appropriate action has not been taken by a regional board. Any action of a regional board under this article or any county or city ordinance affected by the review of the state board shall have no force or effect during the period of the review by the state board.

CHAPTER 11. DISCHARGES FROM HOUSEBOATS ON OR IN THE WATERS OF THE STATE

13900. The Legislature finds and hereby declares that discharges from houseboats in or on the waters of the state constitute a significant source of waste as defined in Section 13050; that discharges of waste from houseboats in or on the waters of the state may impair the beneficial uses of the waters of the state to the detriment of the health, safety, and welfare of the people of the state; and that the discharges of waste from houseboats are not adequately regulated. The Legislature therefore declares that the people of the state have a primary interest in the coordination and implementation of the regulation of discharges of waste from houseboats on or in the waters of the state.

13901. As used in this article, "houseboat" means a watercraft or industrial or commercial structure on or in the waters of the state, floating or nonfloating, which is designed or fitted out as a place of habitation and is not principally used for transportation. "Houseboat" includes platforms, and waterborne hotels and restaurants. "City or county" means any city, county, city and county, or port authority.

13902. Each regional board shall investigate its region to determine areas in which discharges of waste from houseboats are inadequately regulated by local ordinance.

13903. Each regional board shall notify each affected city or county, the State Department of Public Health and the State Department of Harbors and Watercraft of areas of inadequate regulation by ordinance of discharges of waste from houseboats and shall recommend provisions necessary to control the discharges of waste from houseboats into the waters.

13904. Each such affected city or county shall within 120 days of receipt of the notice from the regional board, adopt an ordinance for control of discharges of waste from houseboats within the area for which notice was given by the board. 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 state board, the State Department of Public Health and the State Department of Harbors and Watercraft.

13905. Such city or county ordinance shall take effect 60 days from the date of adoption by the city or county, unless the regional board holds a public hearing on the matter and determines that the city or county ordinance is not sufficiently restrictive to protect the quality of the waters affected. If the board makes such a determination, it shall so report to the affected city or county and also recommend the ordinance, or modification of the city or county ordinance, which it determines is necessary.

13906. If a city or county fails to adopt an ordinance controlling discharges of waste from houseboats within 120 days of receipt of the regional board's notice pursuant to Section 13903, or fails to adopt or modify such ordinance in the manner determined as necessary by the regional board pursuant to Section 13905, within 90 days of receipt of the regional board's notice, the regional board may adopt regulations necessary for the control of discharges of waste from houseboats for the area designated. Such regional board regulations shall take effect 30 days from the date of their adoption and shall be enforced by the city or county and have the same force and effect as if adopted as a city or county ordinance.

13907. Any action, report, determination, or regulation taken or adopted by a regional board, or any failure of a regional board to act may be reviewed by the state board, and shall be reviewed by the state board on the request of any city or county. The state board has all powers as to the review of action or inaction of a regional board under this article as it has to other action or inaction of a regional board, including all powers granted to a regional board to initially determine areas in which discharges of waste from houseboats are inadequately regulated by local ordinance and to adopt regulations when a city or county fails to do so, if the state board finds that appropriate action has not been taken by a regional board. Any action of a regional board under this chapter or any city or county ordinance affected by the review of the state board shall have no force or effect during the period of the review by the state board.

13908. No provision in this chapter and no action thereunder by a regional board or the state board is a limitation on the power of a city or county to adopt and enforce additional ordinances or regulations not in conflict therewith imposing further conditions, restrictions, or limitations with respect to the discharges of waste from houseboats.

SEC. 19. Section 11010 of the Business and Professions Code is amended to read:

11010. Prior to the time when subdivided lands are to be offered for sale or lease, the owner, his agent or subdivider

shall notify the commissioner in writing of his intention to sell or lease such offering.

The notice of intention shall contain the following information:

(a) The name and address of the owner.

(b) The name and address of the subdivider.

(c) The legal description and area of lands.

(d) A true statement of the condition of the title to the land, particularly including all encumbrances thereon.

(e) A true statement of the terms and conditions on which it is intended to dispose of the land, together with copies of any contracts intended to be used.

(f) A true statement of the provisions, if any, that have been made for public utilities in the proposed subdivision, including water, electricity, gas, telephone, and sewerage facilities.

(g) A true statement of the use or uses for which the proposed subdivision will be offered.

(h) A true statement of the provisions, if any, limiting the use or occupancy of the parcels in the subdivision.

(i) A true statement of the maximum depth of fill used, or proposed to be used on each lot, and a true statement on the soil conditions in the subdivision supported by engineering reports showing the soil has been, or will be, prepared in accordance with the recommendations of a registered civil engineer.

(j) A true statement of the amount of indebtedness which is a lien upon the subdivision or any part thereof, and which was incurred to pay for the construction of any onsite or offsite improvement, or any community or recreational facility.

(k) A true statement or reasonable estimate, if applicable, of the amount of any indebtedness which has been or is proposed to be incurred by an existing or proposed special district, entity, taxing area or assessment district, within the boundaries of which, the subdivision, or any part thereof, is located, and which is to pay for the construction or installation of any improvement or to furnish community or recreational facilities to such subdivision, and which amounts are to be obtained by ad valorem tax or assessment, or by a special assessment or tax upon the subdivision, or any part thereof.

(*l*) Such other information as the owner, his agent, or subdivider, may desire to present.

SEC. 20. Section 11551.6 is added to the Business and Professions Code, to read:

11551.6. The governing body of any city or county shall determine whether the discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California regional water quality control board pursuant to Division 7 (commencing with Section 13000) of the Water Code. In the event that the governing body finds that the pro-

posed waste discharge would result in or add to violation of requirements of such board, it may disapprove the tentative map or maps of the subdivision.

SEC. 25. Section 12805 of the Government Code is amended to read:

12805. The Resources Agency consists of the State Air Resources Board, the Colorado River Board, the Office of Nuclear Energy, the State Water Resources Control Board and each California regional water quality control board, and the following departments: Conservation, Fish and Game; Harbors and Watercraft; Parks and Recreation; and Water Resources.

SEC. 28. Section 4458 of the Health and Safety Code is repealed.

SEC. 28.5. Section 4458 is added to the Health and Safety Code, to read:

4458. No person shall construct, maintain, or use any waste well extending to or into a subterranean water-bearing stratum that is used or intended to be used as, or is suitable for, a source of water supply for domestic purposes, except pursuant to Article 6 (commencing with Section 13540) of Chapter 7, Division 7 of the Water Code.

SEC. 29. Section 5410 of the Health and Safety Code is amended to read:

5410. As used in this chapter:

(a) "Waste" includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature.

(b) "Person" as used in this article also includes any city, county, district, the state or any department or agency thereof.

(c) "Waters of the state" means any water, surface or underground, including saline waters, within the boundaries of the state.

(d) "Contamination" means an impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. "Contamination" shall include any equivalent effect resulting from the disposal of waste, whether or not waters of the state are affected.

(e) "Pollution" means an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects: (1) such waters for beneficial uses, or (2) facilities which serve such beneficial uses. "Pollution" may include "contamination."

(f) "Nuisance" means anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the

annoyance or damage inflicted upon individuals may be unequal, and (3) occurs during, or as a result of, the treatment or disposal of wastes.

(g) "Regional board" means any California regional water quality control board created pursuant to Section 13201 of the Water Code.

SEC. 29.2. Section 13169 is added to the Water Code, to read:

13169. (a) The state board may adopt regulations governing the testing, licensing and use of any chemical, or any other substance, for removing, dispersing or otherwise cleaning up oil or any residuary product of petroleum in or on any of the waters of the state. Such regulations shall be adopted in conformity, as nearly as practicable, with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code.

(b) The state board may establish a schedule of fees to cover the cost of testing and licensing the use of any substance for the purposes specified in subdivision (a), to be paid by the applicant for licensing of any such substance.

(c) The proper use of any such substance in accordance with the state board's regulations shall be supervised and enforced by the Department of Fish and Game. The user shall pay to the Department of Fish and Game the cost of such supervisory and enforcement services and all related administrative and incidental costs, as computed by that department, within 30 days after billing. Deputies of the Department of Fish and Game shall have all the powers and authority of a peace officer to make arrests for violations of regulations adopted by the state board pursuant to this section.

(d) Any person who uses any chemical or other substance in violation of any regulation adopted by the state board pursuant to this section shall be guilty of a misdemeanor. Each day's continuance of such violation shall constitute a separate offense.

SEC. 29.4. Section 29.2 of this act shall become operative only if Assembly Bill No. 687 is enacted by the Legislature at its 1969 Regular Session.

SEC. 30. Notwithstanding the provisions of this act, all members of a California regional water quality control board on the effective date of this act shall continue to serve as members of such board pursuant to Section 13201 of the Water Code for the remainder of the term for which they were appointed. The Governor shall appoint two additional members to each regional board who shall meet the qualifications of paragraph (7) of subdivision (a) of Section 13201 of the Water Code. The term of one member so appointed to the board, who shall be designated by the Governor, shall expire on September 30, 1972, and the term of the other such member shall expire on September 30, 1973, and thereafter such members shall be appointed for a term of four years.

SEC. 31. To the extent that the disciplines specified in subdivisions (a) through (i), inclusive, of Section 13120 of the Water Code closely relate to fields represented by the membership of the Water Quality Advisory Committee at the time of the effective date of this act, appointments to the committee, as they occur, shall be made in accordance with the discipline which relates to the field represented by the member whose term has expired.

SEC. 32. Notwithstanding the provisions of subdivision (c) of Section 13220, any person incumbent in the position of executive officer of a regional water quality control board on the effective date of the amendment of subdivision (c) of Section 13050 of the Water Code at the 1963 Regular Session of the Legislature, shall continue to serve at the pleasure of his appointing board.

SEC. 33. The Legislature hereby finds and declares that over the years chronic and continuing conditions of pollution and nuisance have resulted from the physical and geographic locations of property once used as industrial or business sites but not in operation. The Legislature further finds and declares that such conditions cannot be effectively dealt with pursuant to other regulatory authority exercised by a California regional water quality control board, since continuing discharges are not usually involved and the industry or businesses are not in operation and since the owners of such property are frequently absent from the board's jurisdiction and cannot readily be required to abate the condition. The Legislature, therefore, further finds and declares that it is imperative, in order to remedy conditions of pollution and nuisance emanating from nonoperating industrial or business locations, such as mines, that regional water quality control boards be authorized to regulate such conditions in the manner provided in Section 13305 of the Water Code.

SEC. 33.5. The provisions of Sections 13416 and 13417 of the Water Code shall not apply to any loans made from the State Water Quality Control Fund to any public agency designated in subdivision (c) of Section 13401 of the Water Code.

SEC. 34. This act shall become operative on January 1, 1970.

SEC. 35. There is hereby appropriated from the General Fund the sum of eighty-four thousand dollars ($84,000) to the State Water Resources Control Board for the purposes of this act.

SEC. 36. This act is intended to implement the legislative recommendations of the final report of the State Water Resources Control Board submitted to the 1969 Regular Session of the Legislature entitled "Recommended Changes in Water Quality Control," prepared by the Study Project-Water Quality Control Program.

SEC. 37. This act shall be known as the "California Water Quality Improvement Act of 1969."

CHAPTER 483

An act to amend Section 5001.5 of the Public Resources Code, relating to classification of state park system.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 5001.5 of the Public Resources Code is amended to read:

5001.5. All units which are or shall become a part of the California state park system shall be classified by the State Park Commission into one of the following categories:

(a) State parks, which consist of relatively spacious areas of outstanding scenic or wilderness character, oftentimes containing also significant historical, archaeological, ecological, geological, and other scientific values, preserved as nearly as possible in their original or natural condition and providing opportunity for appropriate types of recreation where such will not destroy or impair the features and values to be preserved. Commercial exploitation of resources is prohibited.

(b) Scenic or scientific reserves, which consist of areas of outstanding natural significance, where the major values are in their natural geological, faunal, or floral characteristics. The purpose of a scenic or scientific reserve is directed primarily toward the preservation of its outstanding natural features. Developments shall be for the purpose of making the areas available for public enjoyment in a manner consistent with the preservation of natural values.

(c) Historical units, to be named appropriately and individually, which consist of areas usually limited in size, established primarily to preserve objects of historical and scientific interest, and places commemorating important persons or historic events. The only facilities usually provided are those required for the safety and comfort of the visitors such as access, parking, water, sanitation, interpretive devices, and sometimes facilities for picnicking and other recreation facilities. Certain agricultural, mercantile, or other commercial activity usually prohibited in scenic parks or reserves may be permitted, provided those activities are properly regulated, and are a part of the history of the individual area, and enhance the historic scene.

(d) State recreation areas. These areas shall be selected and developed primarily to provide nonurban outdoor recreation opportunities to meet other than purely local needs but having the best available scenic quality. Camping, picnicking, swimming, hiking, horseback riding, boating, fishing, and hunting may be provided. The provision of such activities shall be the primary reason for operating recreational areas.

(e) State beaches. Areas with frontage on the oceans or bays designed primarily to provide swimming, boating, fishing, and other waterfront activities. Other coastal areas acquired primarily for the scenic and scientific values shall be included in the classification "scenic or scientific reserves."

(f) Wayside campgrounds. Scenic, historical, or recreational areas suitable for overnight camping with convenient access to highways.

(g) Underwater parks. Certain areas of marine environment having outstanding scenic, ecological, geological, and natural scientific values may be designated as underwater parks. The vastness of the coastal area covered by the waters of the Pacific Ocean requires the department to give consideration to and to permit multiple uses of such parks. Certain selected areas may be preserved in their original or natural condition while other areas, due to natural features, location, public need, prior commitment or other proper and beneficial uses may be designated for appropriate multiple uses.

CHAPTER 484

An act to amend Section 11102 of the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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 on or after July 1, 1969, has been released or discharged from a state hospital, for a period not to exceed three years from the date of such release, the county from which he was admitted to the hospital.

(4) For a person who prior to July 1, 1969, has been released on leave of absence from a state hospital, the county from which he was admitted.

CHAPTER 485

An act to add Section 230.5 to the Civil Code, and amend Section 10433 of, and to add Sections 10433.2, 10433.3, and 10614 to, the Health and Safety Code, relating to vital statistics.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 230.5 is added to the Civil Code, to read:

230.5. (a) Notwithstanding any other provision of law, an action may be brought in the superior court of the county in which the petitioner resides for the purpose of obtaining for a child adopted by the petitioner a new birth certificate which specifies thereon that a deceased spouse of the petitioner who was in the home at the time of the initial placement of the child is a parent of such child.

(b) In any action for adoption the petitioner may request that the new birth certificate specify thereon that a deceased spouse of the petitioner who was in the home at the time of the initial placement of the child is a parent of such child.

(c) The inclusion of the name of a deceased person in a birth certificate issued pursuant to a court order under this section shall not affect any matter of testate or intestate succession, and shall not be competent evidence on the issue of the relationship between the adopted child and the deceased person in any action or proceeding.

SEC. 2. Section 10433 of the Health and Safety Code is amended to read:

10433. The new birth certificate shall bear the name of the child as shown in the report of adoption, the names and ages of his adopting parents, the date and place of birth, the date the record was amended, and no reference shall be made in the new birth certificate to the adoption of the child. The new certificate shall be identical with a birth certificate registered for the birth of a child of natural parents. The specific name

and address of the hospital or other facility where the birth occurred shall not be omitted from the new birth certificate unless requested by one of the adopting parents.

SEC. 3. Section 10433.2 is added to the Health and Safety Code, to read:

10433.2. If both adopting parents were in the home at the time of the initial placement of the child for adoption the newly amended birth record may include the names of both adopting parents despite the death of one of the adopting parents, upon receipt of an order from the court granting the adoption which directs under the authority of Section 230.5 of the Civil Code that the names of both adopting parents shall be included on the newly amended birth record.

SEC. 4. Section 10433.3 is added to the Health and Safety Code, to read:

10433.3. Notwithstanding any other provision of law, an adopting parent who has adopted a child for whom an amended record has already been prepared under authority of this article may have another amended record prepared for such child, upon application, furnishing a copy of the court order made in an action brought pursuant to Section 230.5 of the Civil Code, and payment of the required fee.

SEC. 5. Section 10614 is added to the Health and Safety Code, to read:

10614. A fee of five dollars ($5) shall be paid to the State Registrar by the applicant for the preparation of an amended record which shall include a certified copy of the newly amended record under provisions of Section 10433.3.

CHAPTER 486

An act to amend Sections 16020, 16026, 16053, 16251, 16370, 16377, 16430, and 16434 of the Vehicle Code, relating to financial responsibility laws.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 16020 of the Vehicle Code is amended to read:

16020. Unless the driver involved in an accident described in Section 16000 complies with one of the conditions for exemption specified in Section 16050, the driver shall deposit security in a sum which shall be sufficient in the judgment of the department to satisfy any final judgment or judgments in any amount for bodily injury or in excess of two hundred dollars ($200) for property damage resulting from such accident as may be recovered against such driver or owner subject to the

maximum limits required. The department shall determine the amount of security deposit upon the basis of the reports or other evidence submitted to it but shall not require a deposit of security for the benefit of any person when evidence has not been submitted by such person or on his behalf as to the extent of his injuries or the damage to his property within fifty (50) days following the date of the accident.

SEC. 2. Section 16026 of the Vehicle Code is amended to read:

16026. The security shall be available for the following purposes:

(a) Payment of a final judgment in any amount for bodily injury or in excess of two hundred dollars ($200) for property damage, rendered against the driver or drivers 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 the accident, or within one year after the date of deposit of any security under subdivision (c) of Section 16053.

(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 department's evaluation on behalf of a claimant but not in excess of the maximum amounts provided in this chapter for bodily injury and for property damage.

SEC. 3. Section 16053 of the Vehicle Code is amended to read:

16053. Exemption may be established by filing evidence satisfactory to the department:

(a) That the driver has been released from liability by all other persons injured or damaged in the accident. A covenant not to sue shall relieve the parties thereto as to each other from the security requirements of this chapter. The department may accept, for the purposes of this chapter only, evidence of a release from liability executed by a natural guardian or legal guardian on behalf of a minor without the approval of any court or judge.

(b) That all judgments that may arise out of damages or injuries sustained in the accident have been rendered in favor of the driver or have been satisfied by him.

(c) That a duly acknowledged settlement agreement with respect to all damages or injuries arising out of the accident has been executed by the driver.

Whenever within a three-year period after the filing of a duly acknowledged settlement agreement the department receives notice of a default in any payment under such an agreement, provided that such amount in default is in excess of two hundred dollars ($200), the department shall forthwith

suspend the driving privilege of the person defaulting and the privilege shall not be restored until either:

(1) Such driver deposits and thereafter maintains security as required in Article 2 (commencing with Section 16020) or in such amount as the department may then determine.

(2) One year has elapsed following the date when such security was required and the conditions for reinstatement have been satisfied as set forth in Section 16082.

SEC. 4. Section 16251 of the Vehicle Code is amended to read:

16251. As used in this chapter and Chapter 3 (commencing with Section 16430) of this division, "cause of action" means any cause of action for damage to property in excess of two hundred dollars ($200) or for damage in any amount on account of bodily injury to or death of any person resulting from the operation by the defendant or any other person of any motor vehicle upon a highway, except a cause of action based upon statutory liability by reason of signing the application of a minor for a driver's license.

SEC. 5. Section 16370 of the Vehicle Code is amended to read:

16370. The department shall suspend the privilege of any person to operate a motor vehicle and the registration cards and license plates issued for all motor vehicles registered in the name of such person, upon receiving a copy of a judgment, and a certificate of facts relative to the judgment, on a form provided by the department, indicating that the person has failed for a period of 30 days to satisfy a judgment rendered against him, except that such suspension shall not be made under this section when security was deposited under Section 16020 to provide for satisfaction of a judgment arising from the same cause of action and the amount of the judgment does not exceed the deposit by more than two hundred dollars ($200) and such deposit has not been refunded.

SEC. 6. Section 16377 of the Vehicle Code is amended to read:

16377. Every judgment shall for the purposes of this chapter be deemed satisfied:

(a) When fifteen thousand dollars ($15,000) 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 fifteen thousand dollars ($15,000) as to one person, the sum of thirty thousand dollars ($30,000) 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 five thousand dollars ($5,000) has been credited, upon any judgment in excess of that amount, or upon all judgments, collectively, each of which is in excess of two hundred dollars ($200), and which together total in excess of five thousand dollars ($5,000), for damage to property of others as a result of any one accident.

(d) When the judgment debtor or a person designated by him has deposited with the department a sum equal to the amount of the unsatisfied judgment for which the suspension action was taken and presents proof, satisfactory to the department, of inability to locate the judgment creditor.

SEC. 7. Section 16430 of the Vehicle Code is amended to read:

16430. Proof of ability to respond in damages when required by this code means proof of ability to respond in damages resulting from the ownership or operation of a motor vehicle and arising by reason of personal injury to, or death of, any one person, of at least fifteen thousand dollars ($15,000), and, subject to the limit of fifteen thousand dollars ($15,000) for each person injured or killed, of at least thirty thousand dollars ($30,000) for such injury to, or the death of, two or more persons in any one accident, and for damages to property (in excess of two hundred dollars ($200)), of at least five thousand dollars ($5,000) resulting from any one accident. Proof of ability to respond in damages may be given in any manner authorized in this chapter.

SEC. 8. Section 16434 of the Vehicle Code is amended to read:

16434. Proof of ability to respond in damages may be given by the bond of a surety company duly authorized to do business within the state, or a bond of individual sureties each owning unencumbered real estate, approved by a judge of a court of record. The bond shall be conditioned for the payment of the amount specified in Section 16430, and shall provide for the entry of judgment on motion of the state in favor of any holder of any final judgment on account of damages to property over two hundred dollars ($200) in amount, or injury to any person caused by the operation of such person's motor vehicle, in the same manner as provided in Section 942 of the Code of Civil Procedure for the entry of judgment upon appeal bonds.

CHAPTER 487

An act to amend Section 31771 of, and to add Section 31676.1 to, the Streets and Highways Code, relating to vehicle parking districts.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 31676.1 is added to the Streets and Highways Code, to read:

31676.1. Where an ordinance ordering an acquisition or improvement, or both, shall have been adopted prior to November 13, 1968, notwithstanding any statements concerning the term of the bonds, the interest rate, or maximum interest rate of the bonds which may have been made in such ordinance, in the petition, in the ordinance of intention, or in any notice of hearing, the legislative body may provide for and sell bonds for any term, not exceeding that specified in Section 31676, and for any interest rate, not exceeding that specified in Section 31675.

No change in the term, the interest rate, or the maximum interest rate of the bonds shall be made pursuant to this section, unless the legislative body holds a public hearing on the proposed change. Notice of such hearing shall be given in such manner and for such period as the legislative body may prescribe.

SEC. 2 Section 31771 of the Streets and Highways Code is amended to read:

31771. The commission may consist of three or five members.

CHAPTER 488

An act to amend Sections 8831, 8832, 9001.5, 9001.6, and 9050 of, and to repeal Section 9001 of, the Fish and Game Code, relating to commercial fishing.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 8831 of the Fish and Game Code is amended to read:

8831. It is unlawful for any person to use or possess any trawl net with meshes which are less than 4½ inches in length except as provided in this article.

SEC. 2. Section 8832 of the Fish and Game Code is amended to read:

8832. In Districts 2, 12, and 13 trawl nets with no specified minimum mesh size may be used to take shrimp and staghorn sculpin only.

SEC 3. Section 9001 of the Fish and Game Code is repealed.

SEC. 4. Section 9001.5 of the Fish and Game Code is amended to read:

9001.5. Prawn or shrimp traps may be used in waters of this state throughout the year to take prawn and shrimp only.

These traps may not exceed six feet in greatest dimension, and no opening from exterior to interior may be greater than five inches in any dimension.

SEC. 5. Section 9001.6 of the Fish and Game Code is amended to read:

9001.6. Prawn traps may be used to take prawns in waters not less than 50 fathoms in depth, from Point Conception south to the south boundary of Ventura County.

SEC. 6. Section 9050 of the Fish and Game Code is amended to read:

9050. A spade, shovel, hoe, rake, or other appliance operated by hand may be used to take mollusks, sand crabs, and shrimps in Districts 1, 1½, 2, 2½, 3, 3½, 4, 4⅛, 4¾, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 19A, 20, 20A, and 21, except as specified in Sections 7332 and 8303, and except that freshwater clams shall not be taken by means of such appliances on any levee or on the berm of any levee.

CHAPTER 489

An act to amend Sections 132 and 237.5 of the Civil Code, relating to civil actions.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 132 of the Civil Code is amended to read:

132. When an interlocutory judgment has been entered pursuant to Section 131 and one year has expired from the date of service of copy of summons and complaint upon, or appearance by, the defendant spouse, the court on motion of either party, or upon its own motion, may enter the final judgment granting the divorce, and such final judgment shall restore them to the status of single persons, and permit either to marry after the entry thereof; and such other and further relief as may be necessary to complete disposition of the action, but if any appeal is taken from the interlocutory judgment or motion for a new trial made, final judgment shall not be entered until such motion or appeal has been finally disposed of, nor then, if the motion has been granted or judgment reversed. The death of either party after the entry of the interlocutory judgment does not impair the power of the court to enter final judgment as hereinbefore provided; but such entry shall not validate any marriage contracted by either party before the entry of such final judgment, nor constitute any defense of any criminal prosecution made against either.

SEC. 2. Section 237.5 of the Civil Code is amended to read:

237.5. At the beginning of the proceeding on a petition filed pursuant to this chapter, the judge shall first read the petition to the child's parents, if they are present, and may explain to the child the effect of the granting of the petition and upon request of the minor upon whose behalf the petition has been brought or upon the request of either parent the judge shall explain any term or allegation contained therein and the nature of the proceeding, its procedures, and possible consequences. The judge shall ascertain whether the minor and his parent, have been informed of the right of the minor to be represented by counsel, and if not, the judge shall advise the minor and the parents, if present, of the right to have counsel present. The court may appoint counsel to represent the minor whether or not the minor is able to afford counsel, and, if they are unable to afford counsel, shall appoint counsel to represent the parents. The court may continue the proceeding 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 parents are unable to afford counsel at their own expense.

When the court appoints counsel to represent either the minor or the parents under the provisions of this section, such counsel shall receive a reasonable sum for compensation and expenses, the amount of which shall be determined by the court. Such amount shall be paid by the real parties in interest, other than the minor, in such proportions as the court deems just. However, if the court finds that none of such real parties in interest is able to afford counsel, such amount shall be paid out of the general fund of the county.

CHAPTER 490

An act to add Section 12597 to the Government Code, relating to charitable trusts.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 12597 is added to the Government Code, to read:

12597. In any proceeding brought by the Attorney General to secure compliance with the provisions of Sections 12584 to 12587, inclusive, or any regulation issued pursuant thereto, the judgment, if in favor of the state, shall provide that the person having the responsibility or duty to comply with such provisions on behalf of any charitable trust or charitable corporation, shall pay the reasonable expense necessarily incurred by the state in the investigation and prosecution of such action.

CHAPTER 491

An act to amend Sections 117f and 117g of the Code of Civil Procedure, relating to small claims courts.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 117f of the Code of Civil Procedure is amended to read:

117f. No claim shall be filed by or prosecuted in such small claims court by the assignee of such claim. Nothing in this section shall prevent the filing or prosecution of a claim by a trustee in bankruptcy in the exercise of his duties as trustee or by a holder of a conditional sales contract who has purchased such contract for his portfolio of investments and who is not an assignee for the purpose of collection.

SEC. 2. Section 117g of the Code of Civil Procedure is amended to read:

117g. No attorney at law or other person than the plaintiff and defendant shall take any part in the filing or the prosecution or defense of such litigation in the small claims court. A person as a trustee in bankruptcy or a holder of a conditional sales contract described in Section 117f may file or prosecute a claim in a small claims court in the same manner as any other claimant or plaintiff. The plaintiff and defendant shall have the right to offer evidence in their behalf by witnesses appearing at such hearing, or at any other time. The presence of the plaintiff or defendant, whether individual or corporate, at the hearing shall not be required to permit the proof of the items of an account but such proof shall be in accordance with the provisions of Sections 1270 and 1271 of the Evidence Code. The judge or justice may also informally make any investigation of the controversy between the parties either in or out of court and give judgment and make such orders as to time of payment or otherwise as may, by him, be deemed to be right and just. The provisions of Section 579 of the Code of Civil Procedure are hereby made applicable to small claims court actions.

CHAPTER 492

An act to add Section 38793 to the Government Code, relating to powers of cities.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 38793 is added to the Government Code, to read:

38793. As a means of implementing a municipal underground utility district formed to remove existing overhead utility lines and to require property owners of the district, served by such lines, to prepare their properties to accept underground utility lines, cities may provide by ordinance that if any property owner, after due notice, refuses to comply within a reasonable time to effect such removal or preparation in accordance with the applicable rules of the utility involved the city may cause such work to be done and assess the costs thereof against the property and that such assessment shall become a lien against the property. The assessment may be collected at the same time and in the same manner as ordinary municipal ad valorem taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of municipal ad valorem taxes shall be applicable to such assessment.

CHAPTER 493

An act to amend Sections 1209, 1227, 1300, 1336, 1360, 1413, 3223, 3224, and 6702 of, and to add Sections 773 and 774 to, the Financial Code, relating to financial institutions.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 773 is added to the Financial Code, to read:

773. Subject to such regulations and rules as the superintendent may prescribe, a bank may issue and sell securities which are guaranteed pursuant to Section 306(g) of the National Housing Act, as amended.

SEC. 2. Section 774 is added to the Financial Code, to read:

774. Subject to such regulations and rules as the superintendent may prescribe, a bank may acquire and hold shares of stock issued by a corporation authorized to be created pursuant to Title IX of the Housing and Urban Development Act of 1968, and may make investments in a partnership, limited partnership, or joint venture formed pursuant to Section 907(a) or 907(c) of such act.

SEC. 3. Section 1209 of the Financial Code is amended to read:

1209. A commercial bank may invest in stock, bonds, debentures, participations, and other obligations of or issued by the Federal National Mortgage Association and the Government National Mortgage Association; provided, that such investments shall not exceed 5 percent of its assets.

SEC. 4. Section 1227 of the Financial Code is amended to read:

1227. A commercial bank may lend on the security of a first lien on real property or a first lien on a leasehold under a lease which does not expire, or which has been extended or renewed so that it does not expire, for at least 10 years beyond the maturity date of the loan, if:

(a) The term of the loan does not exceed 10 years and the amount does not exceed 60 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(b) The term of the loan does not exceed 25 years, is repayable in substantially equal installments not less often than monthly, with payments commencing not later than 60 days from the date of the loan or, in the case of a construction loan, commencing not later than one year from the date of the loan, and the amount does not exceed 80 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(c) The loan is on a farm or productive agricultural lands, the term does not exceed 25 years, is repayable in substantially equal installments not less often than annually, and the amount does not exceed 80 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(d) The term of the loan does not exceed six months and the amount does not exceed 85 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(e) The term of the loan does not exceed 36 months, the amount does not exceed 85 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal, and the loan is for the purpose of financing building operations under a plan providing for payment of the loan or providing for refinancing by loans otherwise permitted by this chapter.

A commercial bank may make a loan without regard to the above restrictions when necessary to facilitate the sale of real property owned by the bank.

SEC. 5. Section 1300 of the Financial Code is amended to read:

1300. Notwithstanding the provisions of Chapter 9 of Division 1 of this code, a commercial bank, with the prior authorization of the superintendent, may accept savings deposits, if its articles authorize it to engage in the savings bank business, without complying with the provisions of Chapter 9 of Di-

vision 1 of this code. Every such bank shall be governed by all of the provisions of this code applicable to commercial banks except the provisions of Article 2 of Chapter 10, Division 1 and except the provisions of Sections 1207 and 1209, as amended, and shall also be governed by the provisions of this chapter. Any commercial bank so authorized is referred to in this division as a nondepartmental bank. For issuing the authorization provided for in this section the superintendent shall charge a fee of fifty dollars ($50).

SEC. 6. Section 1336 of the Financial Code is amended to read:

1336. A nondepartmental bank shall not invest an amount exceeding 10 percent of its capital and surplus in the securities of any one obligor or maker, except:

(a) Obligations of the United States and those for which the faith and credit of the United States are pledged for the payment of principal and interest;

(b) Bonds, consolidated bonds, collateral trust 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 the bonds of any federal home loan bank established under said act; and in stock, bonds, debentures, participations, and other obligations of or issued by the Federal National Mortgage Association and the Government National Mortgage Association; and

(c) Obligations of the State of California and those for which the credit of the State of California is pledged for the payment of principal and interest.

SEC. 7. Section 1360 of the Financial Code is amended to read:

1360. An amount not exceeding in all 5 percent of the bank's savings deposits in 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 the bonds of any federal home loan bank established under said act, and in stocks, bonds, debentures, participations, and other obligations of or issued by the Federal National Mortgage Association and the Government National Mortgage Association; provided:

(a) An amount exceeding 25 percent of the paid-up capital and surplus of the savings bank or exceeding 1 percent of the bank's savings deposits, whichever is greater, may not be invested in the bonds of any one federal land bank, in the consolidated bonds of federal land banks, in the debentures of any one federal intermediate credit bank, in the consolidated debentures of federal intermediate credit banks, in the debentures of the Central Bank for Cooperatives, in the consolidated debentures of banks for cooperatives, in the bonds or debentures of the Federal Home Loan Bank Board, or in the bonds of any one federal home loan bank.

SEC. 8. Section 1413 of the Financial Code is amended to read:

1413. A savings bank may lend on the security of a first lien on real property or a first lien on a leasehold under a lease which does not expire, or which has been extended or renewed so that it does not expire, for at least 10 years beyond the maturity date of the loan, if:

(a) The term of the loan does not exceed 10 years and the amount does not exceed 60 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(b) The term of the loan does not exceed 25 years, is repayable in substantially equal installments not less often than monthly, with payments commencing not later than 60 days from the date of the loan or, in the case of a construction loan, commencing not later than one year from the date of the loan, and the amount does not exceed 80 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(c) The loan is on a farm or productive agricultural lands, the term does not exceed 25 years, is repayable in substantially equal installments not less often than annually, and the amount does not exceed 80 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(d) The term of the loan does not exceed 36 months, the amount does not exceed 85 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal and the loan is for the purpose of financing building operations under a plan providing for payment of the loan or providing for refinancing by loans otherwise permitted by this chapter.

A savings bank may make a loan without regard to the above restrictions when necessary to facilitate the sale of real property owned by the bank.

SEC. 9. Section 3223 of the Financial Code is amended to read:

3223. The corporation as such receiver shall possess with respect to such closed insured bank all the powers, rights, and privileges given the superintendent under Article 1 of this chapter with respect to the liquidation of a bank the property and assets of which he has taken possession, except insofar as the same may be in conflict with the provisions of the Federal Deposit Insurance Act, as amended.

SEC. 10. Section 3224 of the Financial Code is amended to read:

3224. If the corporation pays or makes available for payment the insured deposit liabilities of a closed insured bank, the corporation, whether or not it has become receiver, shall be subrogated by operation of law to all rights against such closed insured bank of the owners of such deposits in the same manner and to the same extent as subrogation of the corporation is provided for in the Federal Deposit Insurance Act; as amended, in the case of a closed national bank.

SEC 11. 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 and other securities as provided in Division 11 of this code.

(m) Stock, bonds, debentures, participations, and other obligations of or issued by the Federal National Mortgage Associa-

tion and the Government National Mortgage Association. No association at any one time shall have invested pursuant to the sole authority of this subdivision an aggregate amount in excess of 5 percent of the then total assets of the association.

(n) 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.

(o) Subject to the rules and regulations of the commissioner, securities guaranteed pursuant to Section 306(g) of the National Housing Act, as amended.

(p) Subject to the rules and regulations of the commissioner, stock issued by a corporation authorized to be created pursuant to Title IX of the Housing and Urban Development Act of 1968, and may make investments in a partnership, limited partnership, or joint venture formed pursuant to Section 907(a) or 907(c) of such act.

CHAPTER 494

An act to amend Sections 11130 and 54960 of the Government Code, relating to open meetings.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 11130 of the Government Code is amended to read:

11130. Any interested person may commence an action by mandamus, injunction, or declaratory relief for the purpose of stopping or preventing violations or threatened violations of this article or to determine the applicability of this article to actions or threatened future action by members of the state agency.

SEC. 2. Section 54960 of the Government Code is amended to read:

54960. Any interested person may commence an action by mandamus, injunction or declaratory relief for the purpose of stopping or preventing violations or threatened violations of this chapter by members of the legislative body of a local agency or to determine the applicability of this chapter to actions or threatened future action of the legislative body.

CHAPTER 495

An act to add Section 25413.45 to the Education Code, relating to dual officeholding.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 25413.45 is added to the Education Code, to read:

25413.45. No member of the governing board of a junior college district shall, during the term for which he was elected, be eligible to serve on the governing board of a high school district whose boundaries are coterminous with those of the junior college district.

CHAPTER 496

An act to add Section 20527.7 to the Water Code, relating to water districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 20527.7 is added to the Water Code, to read:

20527.7. Notwithstanding Section 20527, or any other provision of law, in the Montague Water Conservation District in Siskiyou County every owner of real property within the district, but no others, may vote at elections for directors or otherwise. Such owners need not be residents of the district in order to qualify as voters. The last equalized county assessment role is conclusive evidence of ownership of the real property so owned. Where land is owned in joint tenancy, tenancy in common, or any other multiple ownership, the owners of such land shall designate in writing which one of the owners shall be deemed the owner of such land for purposes of qualifying as a voter.

The legal representative of a corporation or estate owning real property may vote on behalf of such corporation or estate. As used in this section, legal representative means an official of a corporation owning real property or a guardian, executor, or administrator of the estate of the holder of title to real property who:

(a) Is appointed under the laws of this state.

(b) Is entitled to the possession of the estate's real property.

(c) Is authorized by the appointing court to exercise the particular right, privilege, or immunity which he seeks to exercise. Before a legal representative votes at a district election, he shall present to the precinct board a certified copy of his authority which shall be kept and filed with the returns of the election.

Every voter, or his legal representative, may vote at any district election either in person or by a person duly appointed as his proxy, but shall be entitled to cast only one vote. The appointment of a proxy shall be as provided in Section 35005.

Notwithstanding Section 21100 or any other provision of law, any voter as defined in this section is eligible to be a member of the Board of Directors of the Montague Water Conservation District.

SEC. 2. The provisions of this section are necessary because a substantial portion of the land in the Montague Water Conservation District is owned by persons not resident within the district and the owners, and not the resident nonowners, are primarily concerned with the affairs and support of the district. This problem is not common to all districts formed under the Irrigation District Law. It is therefore hereby declared that a general law cannot be made applicable and that the enactment of this section as a special law is necessary for the solution of problems existing in the Montague Water Conservation District.

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

An election is scheduled for November of 1969, and to effectuate the purposes of this act it is necessary that its provisions be effective immediately.

CHAPTER 497

An act to repeal Section 30122 of the Elections Code, relating to apportionment of Legislature.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 30122 of the Elections Code is repealed.

CHAPTER 498

An act to amend Section 432.5 of the Health and Safety Code, relating to public health.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 432.5 of the Health and Safety Code is amended to read:

432.5. The state plan shall set forth the relative need for the several projects included in the construction program, determined on the basis of the relative need of different sections of the population and of different areas lacking adequate hospital facilities, giving special consideration to hospitals serving rural communities and areas with relatively small financial resources, and in accordance with the regulations of the Surgeon General prescribed pursuant to the federal act, and shall provide for their construction in the order of relative need so determined, insofar as financial resources available therefor and for maintenance and operations make it possible. In enacting this section it is the intent of the Legislature to encourage the design of projects and the development of programs that undertake responsibility to provide in an efficient manner comprehensive health care, including outpatient and preventive care, as well as hospitalization, to a defined population or populations.

For purposes of this section, the criterion of efficiency referred to herein shall include, but not be limited to, a consideration of the utilization of health facilities and services, including policies, mechanisms, and procedures to prevent excessive utilization.

CHAPTER 499

An act to add Section 25457.1 to the Government Code, relating to county contracts.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 25457.1 is added to the Government Code, to read:

25457.1. The board of supervisors of any county may delegate to the county administrative officer or the county executive officer in an equivalent position, the power to enter into and execute on behalf of the county any contracts, which do not involve the expenditure of more than two thousand five hundred dollars ($2,500), which relate to purposes previously

approved and budgeted by the board of supervisors, subject to ratification of such approval and execution by the board of supervisors. This section shall not apply to

(a) Matters within the purview of Section 25457;

(b) Contracts for the construction of public improvements;

(c) Contracts which must be awarded after public notice and competitive bidding.

CHAPTER 500

An act to amend Section 4155 of the Public Resources Code, relating to compensation for firefighters.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 4155 of the Public Resources Code is amended to read:

4155. Every person who in obedience to such summons assists in extinguishing any forest fire shall be compensated at the same wage rate, excluding fringe benefits, as state employees performing like services.

CHAPTER 501

An act to add Section 31641.7 to the Government Code, relating to county retirement.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 31641.7 is added to the Government Code, to read:

31641.7. If the member is unable to furnish the information necessary to establish his aggregate compensation for the period of service for which he seeks credit pursuant to Section 31641.5, then the rate of compensation applicable to him at the time he first became a member of this system after the period to be credited shall be used in making the computation required by Section 31641.5.

CHAPTER 502

An act to amend Sections 23800 and 23801 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 23800 of the Business and Professions Code is amended to read:

23800. Upon request of the licensee or applicant for a license the department may place reasonable conditions upon retail licensees in the following situations:

(a) If grounds exist for the denial of an application for a license or where a protest against the issuance of a license is filed and if the department finds that such grounds may be removed by the imposition of such conditions.

(b) Where findings are made by the department which would justify a suspension or revocation of a license, and where the imposition of such condition is reasonably related to such findings. In the case of a suspension, the conditions may be in lieu of or in addition to such suspension.

(c) Where the department issues an order suspending or revoking only a portion of the privileges to be exercised under such license.

SEC. 2. Section 23801 of the Business and Professions Code is amended to read:

23801. The conditions authorized by Section 23800 may cover any matter relating to the privileges to be exercised under the license, the personal qualifications of the licensee, the conduct of the business or the condition of the premises, which will protect the public welfare and morals, including, but not limited to, the following:

(a) Restrictions as to hours of sale.

(b) Display of signs.

(c) Employment of designated persons.

(d) Types and strengths of alcoholic beverages to be served where such types or strengths are otherwise limited by law.

(e) In cases under Section 23800(c), the portion of the privileges to be exercised under the license.

(f) The personal conduct of the licensee.

CHAPTER 503

An act to amend Section 2193 of the Business and Professions Code, relating to the practice of medicine.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 2193 of the Business and Professions Code is amended to read:

2193. An applicant who does not qualify under Section 2193.5 of this chapter and whose application is based on a diploma issued to him by a foreign medical school, except a Canadian school, shall furnish documentary evidence, satisfactory to the board, that:

(a) He has completed in a medical school or schools a resident course of professional instruction equivalent to that required in this article for a physician and surgeon applicant.

(b) He has been admitted or licensed to practice medicine and surgery in the country wherein is located the institution in which he has completed the resident courses of professional instruction required under this chapter.

Applicants under this section must serve at least two years in a service satisfactory to the board in a hospital or hospitals located in the United States and approved by the board for the training of interns, one year of which must be in a hospital in this state. Before a certificate may be issued, the applicant must not only meet the requirements of subdivisions (a) and (b) of this section but must also pass the written examination as provided under Article 10 (commencing with Section 2280) of this chapter prior to commencing an internship in a hospital in this state, and must also pass an oral and clinical examination at the satisfactory completion of the two-year internship.

Nothing contained in this section shall prohibit the board from disapproving any foreign medical school nor from denying the application if, in the opinion of the board, the instruction received by the applicant or the courses were not equivalent to that required in this article for a physician and surgeon applicant.

CHAPTER 504

An act to amend Sections 34900, 34901, and 34902 of the Government Code, relating to mayors.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 34900 of the Government Code is amended to read:

34900. At any general municipal election, or at a special election held for that purpose, the city council may submit to the electors the question of whether electors shall thereafter elect a mayor and four city councilmen, and whether the mayor shall serve a two-year or four-year term. In cities pres-

ently having elected mayors, the city council may also submit to the electors the question of whether the mayor shall thereafter serve a two-year or a four-year term.

SEC. 2. Section 34901 of the Government Code is amended to read:

34901. The questions shall be printed on the ballots used at the election in substantially the following form:

"Shall the electors elect a mayor and four city councilmen?"

"Shall the term of office of mayor be two years?"

"Shall the term of office of mayor be four years?"

The words "Yes" and "No" and "two years" and "four years" shall be so printed on the ballots that the voters may express their choice. The term of office of mayor shall be that preferred by a majority of those voting on the proposition.

SEC. 3. Section 34902 of the Government Code is amended to read:

34902. If a majority of the votes cast on the proposition is for it, the office of mayor shall thereafter be an elective office. At the next succeeding general municipal election held in the city one of the offices of city councilman, to be filled at such election, shall be designated as the office of mayor, to be filled at such election. The person elected at such election as mayor shall hold office from the Tuesday succeeding his election, and until his successor is elected and qualifies.

In the case of a vacancy in the office of the mayor for any reason, the council shall fill the vacancy by appointment. If the council fails to fill it within 30 days, it shall immediately cause an election to be held to fill the vacancy. A person appointed or elected to fill a vacancy shall hold office for the unexpired term of the former incumbent.

CHAPTER 505

An act to amend Section 25509 of the Government Code, relating to county purchasing agents.

[Approved by Governor July 14, 1969 Filed with Secretary of State July 14, 1969]

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

SECTION 1. Section 25509 of the Government Code is amended to read:

25509. In any county which employs a purchasing agent the board of supervisors may by ordinance create and maintain a purchasing agent's stores account for the purchase and maintenance of a stock of general supplies and materials for the county. The board shall determine the amount of said account and shall fix the same in the ordinance creating the account;

said ordinance shall also prescribe the method of administration of the account and the manner of accounting therefor. The board may also by ordinance authorize the purchasing agent to establish a checking account in a bank for the payment of miscellaneous and emergency purchases of services and supplies by purchase order check not to exceed an amount fixed by such ordinance. The procedures for the issuance of such purchase order checks and the administration, including replenishment of such account, shall be established by resolution of the board. Any loss, not caused by negligence of any officer or employee of the county, incurred by reason of the issuance of any check on such checking account shall be charged against the general fund of the county. The authority of this section shall be in addition to and not a limitation upon any revolving fund of the purchasing agent otherwise provided for by law.

CHAPTER 506

An act to amend and renumber Sections 805, 806 and 809 of, to add Sections 801 and 2074.9 to, and to repeal Sections 801, 802, 803, 804, 807 and 904 of, the Insurance Code, relating to insurance.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 801 of the Insurance Code is repealed.

SEC. 2. Section 801 is added to the Insurance Code, to read:

801. The amendments made in any sections contained in this article by the Statutes of the 1969 Regular Session of the Legislature shall not repeal, rescind or affect the interpretation of Article 1.5 (commencing with Section 685) of Chapter 1 of Part 2 of Division 1 of, or Section 1750.5 of this code.

SEC. 3. Section 802 of the Insurance Code is repealed.

SEC. 4. Section 803 of the Insurance Code is repealed.

SEC. 5. Section 804 of the Insurance Code is repealed.

SEC. 6. Section 805 of the Insurance Code is amended and renumbered to read:

802. Any admitted insurer may, by means of temporary binders, execute contracts of insurance at offices outside this state upon subject matter located in this state if policies therefor are thereafter issued by it.

SEC. 7. Section 806 of the Insurance Code is amended and renumbered to read:

803. An admitted insurer shall not in any manner assume or reinsure any of the liability of a nonadmitted insurer on insurance upon subject matter located in this state, except in a case where the admitted insurer assumes the entirety of such

insurance of the nonadmitted insurer together with all the liabilities arising therefrom.

SEC. 8. Section 807 of the Insurance Code is repealed.

SEC. 9. Section 809 of the Insurance Code is amended and renumbered to read:

804. Any insurer willfully violating any provision of this article is guilty of a misdemeanor and is punishable by a fine not exceeding five hundred dollars ($500) for each violation thereof, or the commissioner may suspend the certificate of authority of such insurer for the remainder of the term thereof.

SEC. 10. Section 904 of the Insurance Code is repealed.

SEC. 11. Section 2074.9 is added to the Insurance Code, to read:

2074.9. During such time as countersignatures are not required by law, the provisions of Section 2071 requiring policies to make provision for countersignatures shall not be in effect and an insurer may omit such provisions from its policies.

CHAPTER 507

An act to amend Section 31304 of the Water Code, relating to county water districts.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 31304 of the Water Code is amended to read:

31304. The district may issue negotiable promissory notes bearing interest at a rate not exceeding 6 percent per annum; provided, however, that said notes shall be general obligations of the district payable from revenues and taxes, unless paid from other available funds of the district, in the same manner as bonds of said district; and provided further, that the maturity shall not be later than five years from the date thereof and that the total aggregate amount of such notes outstanding at any one time shall not exceed 2 percent of the assessed valuation of the taxable property in the district or, if said assessed valuation is not obtainable, 2 percent of the county auditor's estimate of the assessed valuation of the taxable property in the district evidenced by his certificate; and provided further, that a district which has been formed for less than 18 months may borrow an amount not exceeding twenty-five thousand dollars ($25,000), or an amount not exceeding 2 percent of the assessed valuation or estimated valuation of the taxable property in the district, whichever is greater, and no district shall borrow for purposes other than flood control in excess of one million dollars ($1,000,000).

CHAPTER 508

An act to amend Section 25503.3 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 25503.3 of the Business and Professions Code is amended to read:

25503.3. Anything in this division to the contrary notwithstanding, any winegrower, 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, and any beer manufacturer, 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 509

An act to add Section 11006.2 to the Welfare and Institutions Code, relating to distribution of public assistance warrants.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 11006.2 is added to the Welfare and Institutions Code, to read:

11006.2. Notwithstanding any other provisions of this code:

(a) When payment is made monthly all public assistance warrants shall be placed in the mail in time to be received by the recipient not later than the first postal delivery day of the following month and whenever it is apparent that intervening holidays and the weekends will delay delivery past the first day of the following month, public assistance warrants shall be placed in the mail in order to be delivered on the last postal delivery day of the month.

(b) When payment is made bimonthly, one public assistance warrant shall be placed in the mail in time to be received by the recipient not later than the 15th day of the month and whenever it is apparent that intervening holidays and weekends will delay delivery past the 15th day of the month, one public assistance warrant shall be placed in the mail in order to be delivered on or before the 15th day of the month. The other public assistance warrant shall be placed in the mail in accordance with subdivision (a).

CHAPTER 510

An act to add Section 14659.5 to the Education Code, relating to disability retirement.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 14659.5 is added to the Education Code, to read:

14659.5. The plan may provide for the retirement of teachers or other employees on account of disability after five years of service prior to the retirement, for any member retired on or after July 1, 1969 on account of disability. The proportion of the disability salary to the full retirement salary shall be specified in the plan.

CHAPTER 511

An act to add Section 58 to, and to amend Sections 6113 and 6862 of, the Elections Code, relating to petitions and nominating papers.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 58 is added to the Elections Code, to read:

58. Notwithstanding any other provision of law:

(a) Any registered voter who is a candidate for any office may obtain signatures to and sign his own nomination papers. His signature shall be given the same effect as that of any other qualified signer.

(b) Any person engaged in obtaining signatures to the nomination papers of a candidate for any office or to any recall, initiative or referendum petition, may, if otherwise qual-

ified to sign such papers or petition, sign such papers or petition himself. His signature shall be given the same effect as that of any other qualified signer.

SEC. 2. Section 6113 of the Elections Code is amended to read:

6113. The verification of signatures to nomination papers shall not be made by a county clerk, a deputy county clerk, or within 100 feet of any election booth, polling place, or any place where registration of electors is being conducted.

SEC. 3. Section 6862 of the Elections Code is amended to read:

6862. Signatures to a nomination paper shall not be obtained by any county clerk, any of the deputies in the office of the county clerk, nor within 100 feet of any election booth, polling place, or any place where registration of electors is being conducted.

CHAPTER 512

An act to amend Section 718 of the Probate Code, relating to reference of disputed claims in probate.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 718 of the Probate Code is amended to read:

718. If the executor or administrator doubts the correctness of any claim filed or presented, or if the claim has been rejected in whole or in part, or if the claim may, at the option of the claimant, be deemed rejected, as provided in Section 712, such executor or administrator may do either of the following:

(1) Enter into an agreement in writing with the claimant to refer the matter in controversy to some disinterested person, to be approved by the court or a judge thereof, which agreement and approval shall be filed with the clerk, who shall thereupon enter an order referring the matter in controversy to the person so selected; or if the parties consent, a reference may be had in the court. The referee shall hear and determine the matter, and make his report thereon to the court. The same proceedings shall be had in all respects, and the referee shall have the same powers, be entitled to the same compensation and subject to the same control, as in other cases of reference. The court may remove the referee, appoint another in his place, set aside or confirm his report, and adjudge costs, as in actions against executors or administrators. The judgment of the court thereon shall be as valid and effectual, in all respects, as if the same had been rendered in a suit commenced by ordinary proc-

ess. However, if confirmed, the report of the referee merely establishes or rejects the claim, the same as if it had been allowed or rejected by the executor or administrator and judge; or.

(2) Enter into an agreement in writing with the claimant to refer the matter in controversy to a commissioner or referee who is regularly attached to the court and designated in the agreement or to a judge pro tempore designated in the agreement. The agreement shall be filed with the clerk, who shall thereupon, with the approval of the court, enter an order referring the matter to the designated person. The commissioner or referee shall have the powers of a judge pro tempore. The designated person shall proceed promptly to hear and determine the matter in controversy by summary procedure, without any pleadings, discovery, or jury trial. He shall make and file a decision in writing in which the facts found and conclusions of law must be separately stated, and cause a copy thereof to be mailed promptly to the parties. Judgment shall be entered on the decision and shall be as valid and effective as if it had been rendered by a judge of the court in a suit against the executor or administrator commenced by ordinary process. In lieu of such agreement and reference, a judge sitting in probate, pursuant to written agreement of the executor or administrator and the claimant and the judge's consent, filed with the clerk, may hear and determine the matter in controversy pursuant to the procedure provided in this paragraph (2). The agreement and judge's consent shall be filed with the clerk within the time specified in Section 714 for bringing an independent suit.

CHAPTER 513

An act to amend Sections 5302.5, 6467 and 10206 of, and to add Sections 6467.1, 6467.2 and 6467.3 to, the Streets and Highways Code, relating to assessments against public property.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 5302.5 of the Streets and Highways Code is amended to read:

5302.5. If the legislative body, in the resolution of intention, declares that any lot or parcel of land owned and used as provided in Section 5301 shall be included in the assessment, or if no declaration is made respecting any such lot or parcel of land then any assessment upon such lot or parcel of land, except any lot or parcel owned by the United States or any department thereof or by the State of California or any department thereof, shall be an enforceable obligation against

the owner of such property and shall be paid, within 30 days after the date of recording the assessment, by the officer, officers, or board having charge of the disbursement of the funds of the owner of such lot or parcel of land and, if not paid within said 30 days, shall bear interest until paid at the rate stated in the resolution of intention for the bonds proposed to be issued, and if no bonds are proposed to be issued then at the rate of not more than 7 percent per annum until paid; provided, however, that if said assessment is not paid within said 30-day period the city may, and if the city has so provided in its resolution of intention shall, at the expiration thereof, forthwith advance the necessary sum and pay the assessment and shall collect the amount of said assessment and interest thereon from the said obligated owner and may enforce the collection thereof by writ of mandate or other proper remedy. If for any reason there are no moneys available for the payment of said assessment, then the legislative body of the public entity which owns said property so assessed may elect to cause said assessment to be payable in a number of installments not to exceed the number of installments of and at the same interest rate as bonds issued in the proceedings creating the assessment, or if no bonds are to be issued, for a number of installments not to exceed the number of installments of annual payments as provided by Section 6462 of this code for payment of bonds issued under the provisions of this division and for a rate of interest to be specified. In the event the legislative body of the entity whose property is assessed decides that said assessment shall be payable in installments, then the officer, officers or board whose duty it is to levy taxes for said obligated owner, including school districts but not limited thereto, shall include in the next tax levy an amount, in addition to moneys for all other purposes, sufficient to pay the annual installment of principal and interest upon said assessment with interest on the unpaid principal of the assessment to date of the payments, and shall include in each succeeding tax levy a like amount or more, in addition to moneys for all other purposes, until the principal of said assessment and all interest on unpaid portions thereof, shall be paid in full. Said tax levy shall be made notwithstanding that said tax levy, exceeds the maximum tax rate which may otherwise be imposed by law. In the event the officer, officers or board whose duty it is to levy taxes fails to provide for a tax levy to pay and discharge the principal of the assessment and the interest thereon, the owner of the assessment may compel the levy thereof in the manner hereinabove set forth by writ of mandate. No statute of limitations shall bar any right provided for herein to enforce the collection of an assessment of the type described herein and any interest due thereon until four years after the due date of the last principal payment due upon said assessment. The owner of an assessment described herein may use mandamus or other appropriate remedy to compel the officer,

officers or board whose duty it is to levy taxes for said obligated owner to levy an amount in a given year equal to the amount necessary to pay the installment of principal and interest on the assessment in said year, and may continue to use mandamus or other remedy to cause like installments of the amount of principal and interest accruing to be levied each year until the whole of the assessment due has been paid.

If the owner of an assessment is successful in any action to compel the levy of a tax under this section he shall be awarded reasonable attorneys' fees as fixed by the court and costs and said attorneys' fees and costs shall be included in said tax levy.

SEC. 2. Section 6467 of the Streets and Highways Code is amended to read:

6467. In the event there are unpaid assessments levied against public property which are payable as provided in Section 5302 5 of this code, the treasurer shall, simultaneously with the issuance of bonds, if bonds are to be issued in the proceedings, issue certificates representing assessments against public property. A separate certificate shall be issued to represent each assessment against public property. The certificates will provide for payment thereof as provided in Section 5302.5, and each certificate shall read substantially as follows:

UNITED STATES OF AMERICA
State of California County of _____

(assessment & diagram nbr.) (amount)
_____ _____

CERTIFICATE OF OWNERSHIP OF ASSESSMENT
AGAINST PUBLIC PROPERTY

Pursuant to the provisions of Sections 5301 and 5302.5 of Division 7, Part 3, Chapter 13 of the Streets and Highways Code of the State of California, (Improvement Act of 1911), and pursuant to proceedings taken by the _____ of the _____, County of _____, State of California, under the provisions of Division _____, of the Streets and Highways Code, the undersigned treasurer of _____ does hereby certify as follows:

1. The _____ of _____ by Resolution of Intention No. _____, passed on the _____ day of _____, 19__, and proceedings subsequent thereto, levied an assessment against property owned by _____ in the sum of _____ dollars ($_____).

2. Said assessment was levied on the _____ day of _____, 19__; notice thereof was recorded in the office of the County Recorder of the County of _____, on the _____ day of _____, 19__.

3. Said assessment was levied in an assessment district known and described as "_____."

4. The assessment number of said property, as shown on the assessment diagram and in the assessment roll is No. _____, and the property designated as assessment number _____ and which belongs to _____ is described as follows:

(insert description)

5. Said assessment is payable in not more than _____ (__) annual installments, the first installment of which shall be June 2, 19__, and the last of which will be payable June 2, 19__. Said installments will be in even annual proportions of the whole amount. Payments of principal shall be represented by coupons attached to said certificate.

6. Interest will accrue upon said unpaid amount from the _____ day of __ ____, 19__, at the rate of _____ percent per annum until the whole of the principal and interest thereon shall have been paid in full. The interest is payable semiannually, by coupon, on the second day of December and June, respectively, of each year a principal payment coupon matures.

7. The officer or board whose duty it is to levy taxes on behalf of the owner of said property hereinabove described, is obligated to include in the next tax levy an amount, in addition to moneys for all other purposes, sufficient to pay _____ (_____) or more of the principal of said assessment with interest on the unpaid principal of the assessment to date of payment and is obligated to include in each succeeding tax levy a like _____ (_____) amount or more in addition to moneys for all other purposes until the principal of said assessment and all interest on the unpaid portions thereof shall be paid. Said tax levy shall be made notwithstanding that said tax levy exceeds the maximum tax rate that may otherwise be imposed by law.

8. In the event that the officer or board whose duty it is to levy taxes fails to provide for a tax levy to pay and discharge the principal of the assessment and the interest thereon, the owner of this certificate may compel the levy thereof in the manner hereinabove set forth by writ of mandate. No statute of limitations shall bar any right provided for herein to enforce the collection of this assessment and any interest due thereon until four years after the maturity of the last coupon of principal and interest due on this certificate.

9. The owner of this certificate described herein may use mandamus or other appropriate remedy to compel the officer or board whose duty it is to levy taxes for said obligated owner to levy an amount in a given year equal to _____ (_____) of said assessment and interest on the unpaid portion thereof and may continue to use mandamus or other remedy to cause a like _____ (_____) amount and interest to be levied each year until the whole of said assessment and all interest due has been paid.

10. If an owner of this certificate is successful in any action to compel the levy of a tax under this certificate he shall be awarded reasonable attorneys' fees as fixed by the court and costs and said attorneys' fees and costs shall be included in the tax levied to pay the same.

11. This certificate together with interest is payable to bearer at the office of the _____ treasurer of the _____ of _____ upon presentation of the coupons representing principal and interest thereon. Upon payment in full it shall be surrendered to the _____ treasurer for cancellation.

In witness whereof, said _____ has caused this certificate to be signed by its treasurer and has caused its clerk to affix thereto its corporate seal all on the _____ day of _____, 19__.

_____
Treasurer

SEC. 3. Section 6467.1 is added to the Streets and Highways Code, to read:

6467.1. The interest upon the certificate provided in Section 6467 shall be payable semiannually, by coupon, on the second day of December and June, respectively, of each year a principal payment matures. The certificate shall bear date determined by the date of bonds if bonds are to be issued in the proceedings. If no bonds are to be issued the certificate or certificates shall bear such date as may be determined by the legislative body conducting the proceedings. The rate of interest shall not exceed 7 percent per annum on all unpaid sums.

SEC 4. Section 6467.2 is added to the Streets and Highways Code, to read:

6467.2. The certificates shall have annual principal coupons attached to them payable in annual order, the first of which shall be payable not later than June 2, beginning with the fiscal year next following the date of the certificate until all are paid. Each principal coupon shall be for an even annual proportion of the principal of the certificate.

SEC. 5. Section 6467.3 is added to the Streets and Highways Code, to read:

6467.3. The certificate shall be payable at the office of the treasurer of the city conducting the proceedings upon presentation of the principal and interest coupons. At least 30 days prior to the first day of July of each and every year after the date of the certificate, until the certificate is paid in full, the treasurer shall mail postage prepaid to the entity whose obligation it is to levy a tax to pay the amount of principal and interest falling due each year, a notice of the amount due in the next succeeding fiscal year, the date when payments are due upon the certificates, and that payment shall be made to the city conducting the proceedings by the entity obligated to levy the tax to make the payments due thereon at least 30 days prior to the due date of any installment of principal or interest upon said certificate. Failure of the treasurer to notify the

entity obligated to make payment shall not affect the obligation of the entity, whose duty it is to make such payment, to make payment thereof as required by Section 5302.5 of this code.

In the event the public entity owning the property against which the assessment has been levied, and which is represented by the certificates authorized in this chapter, shall sell the said property prior to the maturity and payment in full of all of the certificates representing such assessment, then all of the outstanding certificates shall be immediately payable in full together with the accrued interest thereon not later than sixty (60) days from the date of sale without premium. Interest shall be payable to the date of designated payment and the owner of the certificates, as the owner appears upon the records of the treasurer, shall be given written notice of such payment at his last known address or, if not known, at general delivery. Interest upon said certificates shall cease and terminate at the date designated for payment thereof in full, provided funds for the payment of all such principal and interest to such date have been paid into the proper redemption fund therefor and are available for such payment.

SEC. 6. Section 10206 of the Streets and Highways Code is amended to read:

10206. The provisions of the Improvement Act of 1911 relating to assessments on publicly owned property and railroad property, and certificate or bond secured by unpaid assessments on publicly owned property, are incorporated in this division as if fully set out herein.

CHAPTER 514

An act to amend Sections 26724, 26734, 26735, and 26743 of the Government Code, relating to sheriff's fees.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 26724 of the Government Code is amended to read:

26724. The fee for serving an attachment or execution on any ship, boat, or vessel is five dollars ($5).

SEC. 2. Section 26734 of the Government Code is amended to read:

26734. The fee for serving a garnishment, or for making a levy on personal property already in possession of the officer who is holding same under attachment in the same action, is five dollars ($5).

SEC. 3. Section 26735 of the Government Code is amended to read:

26735. The fee for serving and filing notices of attachment of the interest of a defendant in the estate of a decedent is five dollars ($5) for serving the personal representative of the decedent, and five dollars ($5) for filing a copy of the writ of attachment and notice with the county clerk.

SEC. 4. Section 26743 of the Government Code is amended to read:

26743. The fee for subpoenaing witnesses, including a copy of the subpoenas and any affidavit required to be served therewith, is three dollars ($3) each.

CHAPTER 515

An act to amend Section 74.5 of, and to add Section 100.22 to, the Streets and Highways Code, relating to state highways.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 74.5 of the Streets and Highways Code is amended to read:

74.5. The planning commission and legislative body of a city or county shall, prior to recommending the adoption of a state highway route by the Legislature or the selection of a state highway location by the California Highway Commission, conduct a public hearing on the subject.

SEC. 2. Section 100.22 is added to the Streets and Highways Code, to read:

100.22. The city council or board of supervisors shall, prior to entering into the agreement contemplated by Section 100.2, conduct a public hearing on the subject.

CHAPTER 516

An act to add Section 11523.5 to the Insurance Code, relating to annuities.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 11523.5 is added to the Insurance Code, to read:

11523.5. Any person holding a certificate of authority under this chapter may reinsure its total liability under an

annuity agreement (as defined in Section 11523) with an admitted insurer for a single premium. In such event, such certificate holder may take credit for such reinsurance in reduction of the amount of the reserve fund it is required to maintain under the provisions of Section 11521, subject to the following conditions:

(a) Such certificate holder shall file with the commissioner a copy of the reinsurance contract specifying which annuity agreement previously filed pursuant to Section 11522 is thereby reinsured.

(b) Such certificate holder shall enter into a written agreement with the annuitant and the reinsurer agreeing that if it should for any reason be unable to continue the making of the annuity payments required by its annuity agreement, the annuitant shall receive payments directly from the reinsurer and that such reinsurer shall be credited with all such direct payments in the accounts between it and such reinsurer.

(c) Any commission granted by the reinsurer on the reinsurance shall be payable only to the certificate holder which shall pay no commission directly or on account of such reinsurance.

CHAPTER 517

An act to amend Section 40303 of the Vehicle Code, relating to vehicles.

[Approved by Governor July 14, 1969 Filed with Secretary of State July 14, 1969]

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

SECTION 1. 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) Section 2800, relating to the refusal to submit vehicle and load to an inspection, measurement, or weighing as prescribed in Section 2802 or a refusal to adjust the load or obtain a permit as prescribed in Section 2803.

(f) Section 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.

CHAPTER 518

An act to repeal Article 4.5 (commencing with Section 8375) of Chapter 4 of Division 7, and to add Article 5.6 (commencing with Section 5995) to Chapter 6 of Division 6, of the Education Code, relating to work experience education in high schools and community colleges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Article 4.5 (commencing with Section 8375) of Chapter 4 of Division 7 of the Education Code is repealed.

SEC. 2. Article 5.6 (commencing with Section 5995) is added to Chapter 6 of Division 6 of the Education Code, to read:

Article 5.6. High School and Community College Work Experience Education

5995. In order to encourage high schools and community colleges to make available programs of work experience education as provided in Article 5.5 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 and work study programs in high

schools and community colleges serving areas with high concentrations of urban poverty as defined in Section 6482, and in other high schools and community colleges of the state.

5995.1. 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, or any successor to such act.

5995.2. 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.

5995.3. Funds appropriated under this article shall be used, to the greatest extent possible, for the employment of work experience education coordinators, for the expenses necessary for the support of their function, and for work study programs.

5995.4. In order that equal numbers of coordinators may be employed in high schools and community colleges serving areas with high concentrations of urban poverty as well as in other high schools and community colleges of the state, funds not utilized in one area as defined in Section 6482 may be used in other such defined areas, or in other high schools and community colleges of the state.

5995.45. A work study program as used in this article applies only to students who meet all of the following criteria: (1) Are enrolled in a summer vocational education program under Article 10.5 (commencing with Section 6270) of Chapter 6 of Division 6. (2) Are in need of the earnings from such employment to commence or continue their vocational education program. (3) Are at least 15 years of age and less than 21 years of age at the commencement of employment. (4) Are capable, in the opinion of the appropriate school authorities, of maintaining good standing in the summer vocational education program while employed under the work study program. (5) Are employed under such work study program for not more than 20 hours per week. (6) Are employed under such work study program for a public agency or nonprofit institution.

5995.5. In school districts with high schools or community colleges in areas having high concentrations of urban poverty as defined in Section 6482, the state's contribution from funds available under Section 5995 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 and community colleges 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.

5995.6. Subject to the provisions of Section 5995.4, 75 percent of the amounts appropriated pursuant to Section 5995 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.

5995.7. The Superintendent of Public Instruction shall allow to each district with high schools, and the Board of Governors of the California Community Colleges shall allow to each district with community colleges, 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 in the case of high schools, or grades 13 and 14 in the case of community colleges, 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.

5995.8. The Superintendent of Public Instruction shall allow to each district with a high school, and the Board of Governors of the California Community College shall allow to each district with a community college, other than those for which an allowance was made under Section 5995.7, 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 in the case of high schools, and grades 13 and 14 in the case of community colleges, 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.

5995.9. The Superintendent of Public Instruction and the Board of Governors of the California Community Colleges 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 postschool employment success of each participating student.

5996. The State Board of Education and the Board of Governors of the California Community Colleges shall adopt rules and regulations necessary to the effective administration of this article.

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

In order that the work study programs contemplated by this act may be funded by appropriations made to provide new and expanded work experience education programs so that such work study programs may be developed and implemented for the summer of 1969, it is necessary that this act take effect immediately.

CHAPTER 519

An act to add Section 13355.5 to the Vehicle Code, relating to drivers' license suspension.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 13355.5 is added to the Vehicle Code, to read:

13355.5. Upon the recommendation of the judge of a juvenile court, the department shall immediately suspend, for a period of one year, the privilege of any person to operate a motor vehicle who has been found to have committed the offense of possession of marijuana or any other offense defined in Division 10 (commencing with Section 11000) or 10.5 (commencing with Section 11901) of the Health and Safety Code punishable as a felony while such person was a motor vehicle operator.

Each judge of a juvenile court shall immediately report such recommendation and findings to the department.

CHAPTER 520

An act to amend Sections 1121, 1122, 1128, 1135 and 1137 of the Penal Code, relating to juries.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 1121 of the Penal Code is amended to read:

1121. The jurors sworn to try an action may, in the discretion of the court, be permitted to separate or be kept in charge of a proper officer. Where the jurors are permitted to separate, the court shall properly admonish them. Where the jurors are kept in charge of a proper officer, the officer must be sworn to keep the jurors together until the next meeting of the court, to suffer no person to speak to them or communicate with them, nor to do so himself, on any subject connected with the trial, and to return them into court at the next meeting thereof.

SEC. 2. Section 1122 of the Penal Code is amended to read:

1122. The jury must also, at each adjournment of the court before the submission of the cause to the jury, whether permitted to separate or kept in charge of officers, be admonished by the court that it is their duty not to converse among themselves or with anyone else on any subject connected with the trial, or to form or express any opinion thereon until the cause is finally submitted to them.

SEC. 3. Section 1128 of the Penal Code is amended to read:

1128. After hearing the charge, the jury may either decide in court or may retire for deliberation. If they do not agree without retiring for deliberation, an officer must be sworn to keep them together for deliberation in some private and convenient place, and, during such deliberation, not to permit any person to speak to or communicate with them, nor to do so himself, unless by order of the court, or to ask them whether they have agreed upon a verdict, and to return them into court when they have so agreed, or when ordered by the court. The court shall fix the time and place for deliberation. The jurors shall not deliberate on the case except under such circumstances. If the jurors are permitted by the court to separate, the court shall properly admonish them. When the jury is composed of both men and women and the jurors are not permitted by the court to separate, in the event that it shall become necessary to retire for the night, the women must be kept in a room or rooms separate and apart from the men.

SEC. 4. Section 1135 of the Penal Code is amended to read:

1135. A room must be provided by the board of supervisors of each county for the use of the jury, in superior and municipal courts only, upon their retirement for deliberation, with suitable furniture, fuel, lights and stationery. If the board of supervisors neglect to do so any such court may order the sheriff or marshal to do so, and the expenses incurred by him in carrying the order into effect, when certified by the court, are a county charge. Except in cases where the jurors are permitted to separate, the board of supervisors shall provide a room for the female members of the jury which shall be separate and apart from the room provided for the male members.

SEC. 5. Section 1137 of the Penal Code is amended to read:

1137. Upon retiring for deliberation, the jury may take with them all papers (except depositions) which have been received as evidence in the cause, or copies of such public records or private documents given in evidence as ought not, in the opinion of the court, to be taken from the person having them in possession. They may also take with them the written instructions given, and notes of the testimony or other proceedings on the trial, taken by themselves or any of them, but none taken by any other person. The court shall provide for the custody and safekeeping of such items.

SEC. 6. The amendments made by this act to Sections 1121, 1122, 1128, 1135, and 1137 of the Penal Code shall remain in effect until December 31, 1971, and shall have no force or effect after that date. Thereafter, each such section shall read as it did immediately prior to the effective date of this act.

CHAPTER 521

An act to amend Sections 13856.2 and 14201.1 of the Education Code, and to amend Sections 13893 and 14101 of the Education Code as proposed by Assembly Bill No. 1728, relating to the State Teachers' Retirement System.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 13856.2 of the Education Code is amended to read:

13856.2. The retirement board shall annually review the proposed budget of the costs of administration for the following fiscal year, and, on the basis of such budgeted amounts and the estimated prospective number of persons to be employed as members of the system during the next fiscal year, determine the total amount required as employer contributions for administrative expenses under Section 14215.1 and the additional per member contribution required from each employer under Section 14201.1. The board shall make said determination on or before April 30th, and shall on or before May 15th notify all county superintendents of schools regarding the rate determined for the following fiscal year.

SEC. 2. Section 14201.1 of the Education Code is amended to read:

14201.1. In addition to the contribution provided in Section 14201, each school district or other employing agency employing one or more members of the system shall contribute semiannually to the Permanent Fund an amount, not to exceed one dollar ($1) for each member employed, as determined by the retirement board, to meet the employer's share

of administrative expenses required under Section 14215.1. The provisions of Section 14203 shall be applicable to the contributions required by this section.

The contributions required by this section which have not been expended shall be retained from fiscal year to fiscal year in the Permanent Fund for the purposes set forth in this section.

SEC. 3. The amendment made to Section 13856.2 of the Education Code by Section 1 of this act, and the amendment made to Section 14201.1 of the Education Code made by Section 2 of this act, shall not affect the operative dates of those sections contained in Section 7 of Chapter 1476 of the Statutes of 1967 and this act shall cease to be operative at the same time as Chapter 1476.

SEC. 4. Section 13893 of the Education Code as proposed by Assembly Bill No 1728 is amended to read:

13893. The board shall annually review the proposed budget of the costs of administration for the following fiscal year, and, on the basis of such budgeted amounts and the estimated prospective number of persons to be employed as members of the system during the next fiscal year, determine the total amount required as employer contributions for administrative expenses and the additional per member contribution required for each employer.

The board shall make the determination on or before April 30th, and shall on or before May 15th notify all county superintendents regarding the rate determined for the following fiscal year.

This section shall cease to be operative on July 30, 1973.

SEC. 5 Section 14101 of the Education Code as proposed by Assembly Bill No. 1728 is amended to read:

14101. In addition to the contribution provided in Section 14100, each school district or other employing agency employing one or more members of the system shall contribute semiannually to the Permanent Fund an amount, not to exceed one dollar ($1) for each member it employs, as determined by the board, to meet the employer's share of administrative expenses.

The contributions required by this section which have not been expended shall be retained from fiscal year to fiscal year in the Permanent Fund for the purposes set forth in this section.

This section shall cease to be operative on June 30, 1973.

SEC 6. Sections 4 and 5 of this act shall become operative only if Sections 13893 and 14101 of the Education Code as proposed by Assembly Bill No. 1728 are enacted by the Legislature at its 1969 Regular Session, and in such case at the same time as Assembly Bill No. 1728 takes effect; at which time Sections 13856.2 and 14201.1 of the Education Code as amended by Sections 1 and 2 of this act are repealed.

CHAPTER 522

An act to add Section 131.5 to the Code of Civil Procedure, and to amend Section 1203 of, and to add Section 1203d to, the Penal Code, relating to probation reports.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. Section 131.5 is added to the Code of Civil Procedure, to read:

131.5. No court shall pronounce judgment upon any defendant, as to whom the court has requested a probation report pursuant to Section 131.3, unless a copy of the probation report has been made available to the court, the prosecuting attorney, and the defendant or his attorney, at least two days or, upon the request of the defendant, five days prior to the time fixed by the court for consideration of the report with respect to pronouncement of judgment. Such report shall be filed with the clerk of the court as a record in the case at the time the court considers the report.

If the defendant is not represented by an attorney, the court, upon ordering the probation report, shall also order the probation officer who prepares the report to discuss its contents with the defendant.

SEC. 2. Section 1203 of the Penal Code is amended to read:

1203. After the conviction by plea or verdict of guilty of a public offense not amounting to a felony, in cases where discretion is conferred on the court or any board or commission or other authority as to the extent of the punishment, the court, upon application of the defendant or of the people or upon its own motion, may summarily deny probation, or at a time fixed may hear and determine in the presence of the defendant the matter of probation of the defendant and the conditions of such probation, if granted. If probation is not denied, and in every felony case in which the defendant is eligible for probation, before any judgment is pronounced, and whether or not an application for probation has been made, the court must immediately refer the matter to the probation officer to investigate and to report to the court, at a specified time, upon the circumstances surrounding the crime and concerning the defendant and his prior record, which may be taken into consideration either in aggravation or mitigation of punishment. The probation officer must thereupon make an investigation of the circumstances surrounding the crime and of the prior record and history of the defendant, must make a written report to the court of the facts found upon such investigation, and must accompany said report with

his written recommendations, including his recommendations as to the granting or withholding of probation to the defendant and as to the conditions of probation if it shall be granted. The report and recommendations must be made available to the court and the prosecuting and defense attorneys at least two days or, upon the request of the defendant, five days prior to the time fixed by the court for the hearing and determination of such report and must be filed with the clerk of the court as a record in the case at the time of said hearing. By written stipulation of the prosecuting attorney and the defense attorney, filed with the court, or by oral stipulation in open court made and entered upon the minutes of the court, the time within which the report and recommendations must be made available and filed, under the preceding provisions of this section, may be waived. At the time or times fixed by the court, the court must hear and determine such application, if one has been made, or in any case the suitability of probation in the particular case, and in connection therewith must consider any report of the probation officer, and must make a statement that it has considered such report which must be filed with the clerk of the court as a record in the case. If the court shall determine that there are circumstances in mitigation of punishment prescribed by law, or that the ends of justice would be subserved by granting probation to the defendant, the court shall have power in its discretion to place the defendant on probation as hereinafter provided; if probation is denied, the clerk of the court must forthwith send a copy of the report and recommendations to the Department of Corrections at the prison or other institution to which the defendant is delivered.

With respect to a defendant who is not represented by an attorney, the court shall order the probation officer who makes a probation report pursuant to this section to discuss its contents with the defendant.

In every misdemeanor case, the court may, at its option refer the matter to the probation officer for investigation and report or summarily deny probation or summarily grant probation. If a misdemeanor case is not referred to the probation officer, the court in sentencing the defendant may consider any information concerning the defendant, his prior record, and the circumstances surrounding the crime that could have been included in a probation report. The court shall inform the defendant of the information considered and permit the defendant to answer or controvert such information. For this purpose the court upon request of the defendant shall grant a continuance before pronouncing sentence.

The Legislature hereby expresses the policy of the people of the State of California to be that, except in unusual cases where the interest of justice demands a departure from the

declared policy, no judge shall grant probation to any person who shall have been convicted of robbery, burglary or arson, and who at the time of the perpetration of said crime or any of them or at the time of his arrest was himself armed with a deadly weapon (unless at the time he had a lawful right to carry the same), nor to a defendant who used or attempted to use a deadly weapon upon a human being in connection with the perpetration of the crime of which he was convicted, nor to one who in the perpetration of the crime of which he was convicted willfully inflicted great bodily injury or torture, nor to any such person unless the court shall be satisfied that he has never been previously convicted of a felony in this state nor previously convicted in any other place of a public offense which would have been a felony if committed in this state.

Except as hereafter provided in this section, probation shall not be granted to any person who shall have been convicted of burglary with explosives, rape with force or violence, murder, assault with intent to commit murder, attempt to commit murder, train wrecking, kidnapping, escape from a state prison, conspiracy to commit any one or more of the aforementioned felonies, and who at the time of the perpetration of said crime or any of them or at the time of his arrest was himself armed with a deadly weapon (unless at the time he had a lawful right to carry the same), nor to a defendant who used or attempted to use a deadly weapon upon a human being in connection with the perpetration of the crime of which he was convicted, nor to one who in the perpetration of the crime of which he was convicted willfully inflicted great bodily injury or torture, nor to any defendant unless the court shall be satisfied that he has not been twice previously convicted of felony in this state nor twice previously convicted in any other place or places of public offenses which would have been felonies if committed in this state; nor to any defendant convicted of the crime of burglary with explosives, rape with force or violence, murder, attempt to commit murder, assault with intent to commit murder, train wrecking, extortion, kidnapping, escape from a state prison, violation of Sections 286, 288 or 288a of this code, or conspiracy to commit any one or more of the aforesaid felonies, unless the court shall be satisfied that he has never been previously convicted of a felony in this state nor previously convicted in any other place of a public offense which would have been a felony if committed in this state; nor to any defendant unless the court shall be satisfied that he has never been previously convicted of a felony in this state nor convicted in any other place of a public offense which would have been a felony if committed in this state and at the time of the perpetration of said previous offense or at the time of his arrest for said previous offense he

was himself armed with a deadly weapon (unless at the time he had a lawful right to carry the same) or he personally used or attempted to use a deadly weapon upon a human being in connection with the perpetration of said previous offense or in the perpetration of said previous offense he willfully inflicted great bodily injury or torture; nor to any public official or peace officer of the state, county, city, city and county, or other political subdivision who, in the discharge of the duties of his public office or employment, accepted or gave or offered to accept or give any bribe or embezzled public money or was guilty of extortion.

In unusual cases, otherwise subject to the preceding paragraph, in which the interests of justice would best be served thereby, the judge may, with the concurrence of the district attorney, grant probation.

No probationer shall be released to enter another state of the United States, unless and until his case has been referred to the California Administrator, Interstate Probation and Parole Compacts, pursuant to the Uniform Act for Out-of-State Probationer and Parolee Supervision.

In those cases in which the defendant is not eligible for probation, the judge may in his discretion refer the matter to the probation officer for an investigation of the facts relevant to sentence. The probation officer must thereupon make an investigation of circumstances surrounding the crime and the prior record and history of the defendant and make a written report to the court of the facts found upon such investigation.

SEC. 3. Section 1203d is added to the Penal Code, to read:

1203d. No court shall pronounce judgment upon any defendant, as to whom the court has requested a probation report pursuant to Section 1203.10, unless a copy of the probation report has been made available to the court, the prosecuting attorney, and the defendant or his attorney, at least two days or, upon the request of the defendant, five days prior to the time fixed by the court for consideration of the report with respect to pronouncement of judgment. Such report shall be filed with the clerk of the court as a record in the case at the time the court considers the report.

If the defendant is not represented by an attorney, the court, upon ordering the probation report, shall also order the probation officer who prepares the report to discuss its contents with the defendant.

SEC. 4. The Legislature, by this act, does not intend that the preparation or submission of probation reports be accelerated in relation to present law and practice. It is the intention of the Legislature that the courts exercise their discretion in fixing dates for pronouncing judgments five or more days after all the interested parties have received copies of probation reports so that such parties have adequate time to evaluate such reports.

CHAPTER 523

An act making an appropriation to the Enterprise City School District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 14, 1969. Filed with Secretary of State July 14, 1969.]

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

SECTION 1. The Enterprise City School District is an impoverished school district in the state and has suffered significant decline in revenues which will cause great financial hardship and will render it impossible for the district to meet its fixed financial commitments for the year, including those made for the payment of teachers' salaries.

The Legislature finds that the unique circumstances in the Enterprise City School District require immediate and special legislation and that a general statute cannot be made applicable to these circumstances within the meaning of Section 16 of Article IV of the California Constitution. The appropriation made by Section 2 of this act is made in view of the unique circumstances in the Enterprise City School District, and is made for that purpose only. It is not the intention of the Legislature to establish a precedent with respect to the appropriation made by this act, but rather to assist in a situation involving unique circumstances when appropriate justification for such assistance has been found.

SEC. 2. There is hereby appropriated from the General Fund in the State Treasury the sum of one hundred sixty thousand dollars ($160,000) or so much thereof as may be necessary, to the Enterprise City School District to enable the district to pay contracted indebtedness, due and owing, in the 1968–1969 fiscal year.

SEC. 3. The Superintendent of Public Instruction shall, during the 1969–1970 fiscal year, and during the 1970–1971 fiscal year, withhold from the apportionments to be made to the district from the State School Fund in each of those years an amount equal to one-half of the amount actually disbursed to the district from the appropriation made pursuant to Section 2 of this act, together with amounts representing interest at a rate fixed by the Director of Finance as of the date of the disbursement of funds to the district pursuant to Section 2 of this act, based upon the current market rate of interest. Such withholdings shall be directed to the end that the entire amount disbursed, plus the interest, shall have been recouped by the state at the end of the 1970–1971 fiscal year.

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 money may be made available to the Enterprise City School District at the earliest possible time to aid the district in averting a financial crisis which directly involves the entire area of the district, it is necessary that this act take immediate effect.

CHAPTER 524

An act to amend Section 24074 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 15, 1969. Filed with Secretary of State July 15, 1969.]

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

SECTION 1. Section 24074 of the Business and Professions Code is amended to read:

24074. Before the filing of such a transfer application with the department, if the intended transfer of the business or license involves a purchase price or consideration, the licensee and the intended transferee shall establish an escrow with some person, corporation, or association not a party to the transfer acting as escrow holder, and the intended transferee shall deposit with the escrow holder the full amount of the purchase price or consideration. The transfer application shall be accompanied by a description of the entire consideration. Such description shall include a designation of cash, checks, promissory notes, and tangible and intangible property, and the amount of each thereof. The licensee and intended transferee shall also enter into an agreement, which agreement shall be deposited with the escrow holder, directing the escrow holder, after the requirements for transfer as provided in Section 24049 are satisfied, to pay out of the purchase price or consideration, the claims of the bona fide creditors of the licensee who file their claims with the escrow holder before the escrow holder is notified by the department of its approval of the transfer of the license or if the purchase price or consideration is not sufficient to pay the claims in full, to distribute the consideration as follows:

First, to the payment of claims for wages, salaries, or fringe benefits of employees of the seller or transferor earned or accruing within ninety (90) days prior to the sale, transfer, or opening of an escrow for the sale thereof;

Second, to the payment of claims of secured creditors to the extent of the proceeds which arise from the sale of the security;

Third, to the United States for claims based on income or withholding taxes; and thereafter for claims based on any tax other than taxes specified in Section 24049;

Fourth, to the payment of claims on mechanics' liens;

Fifth, to the payment of escrow fees and the payment of claims for prevailing brokerage fees for services rendered and claims for reasonable attorney's fees for services rendered;

Sixth, to the payment of claims for goods sold and delivered to the transferor for resale at his licensed premises;

Seventh, to the payment of all other claims. The last category of creditors for whom there are not sufficient assets available for the payment of the claim in full, shall be paid pro rata.

If the transferor licensee disputes any claim, the amount or pro rata amount thereof shall be retained by the escrow holder for a period of 25 days, and if not attached shall be paid to the transferor licensee. The agreement shall also provide that the escrow holder shall make the payment or distribution within a reasonable time after the completion of the transfer of the license.

SEC 2. Section 24074 of the Business and Professions Code is amended to read:

24074. Before the filing of such a transfer application with the department, if the intended transfer of the business or license involves a purchase price or consideration, the licensee and the intended transferee shall establish an escrow with some person, corporation, or association not a party to the transfer acting as escrow holder, and the intended transferee shall deposit with the escrow holder the full amount of the purchase price or consideration. The transfer application shall be accompanied by a description of the entire consideration. Such description shall include a designation of cash, checks, promissory notes, and tangible and intangible property, and the amount of each thereof. The licensee and intended transferee shall also enter into an agreement, which agreement shall be deposited with the escrow holder, directing the escrow holder, after the requirements for transfer as provided in Section 24049 are satisfied, to pay out of the purchase price or consideration, the claims of the bona fide creditors of the licensee who file their claims with the escrow holder before the escrow holder is notified by the department of its approval of the transfer of the license or if the purchase price or consideration is not sufficient to pay the claims in full, to distribute the consideration as follows:

First to the payment of claims for wages, salaries, or fringe benefits of employees of the seller or transferor earned or accruing within ninety (90) days prior to the sale, transfer, or opening of an escrow for the sale thereof;

Second, to the payment of claims of secured creditors to the extent of the proceeds which arise from the sale of the security;

Third, to the United States for claims based on income or withholding taxes; and thereafter for claims based on any tax other than taxes specified in Section 24049;

Fourth, to the payment of claims on mechanics' liens;

Fifth, to the payment of escrow fees and the payment of claims for prevailing brokerage fees for services rendered and claims for reasonable attorney's fees for services rendered;

Sixth, to the payment of claims for goods sold and delivered to the transferor for resale at his licensed premises;

Seventh, to the payment of all other claims. The last category of creditors for whom there are not sufficient assets available for the payment of the claim in full, shall be paid pro rata.

If the transferor licensee disputes any claim the escrow holder shall notify the claimant and the amount or pro rata amount thereof shall be retained by the escrow holder for a period of 25 days, and if not attached shall be paid to the transferor licensee. The agreement shall also provide that the escrow holder shall make the payment or distribution within a reasonable time after the completion of the transfer of the license.

SEC. 3. It is the intent of the Legislature, if amendments to Section 24074 of the Business and Professions Code proposed by both this bill and A.B. 1588 are enacted, that both amendments be given effect and incorporated in Section 24074 in the form set forth in Section 2 of this act. Therefore, in the event A.B. 1588 is enacted and amends Section 24074, Section 2 of this act shall become operative at the same time that Section 24074 as amended by A.B. 1588 becomes operative and at that time Section 24074 of the Business and Professions Code as amended by Section 1 of this act is repealed.

CHAPTER 525

An act to add Section 25 to the Labor Code, relating to sheriffs.

[Approved by Governor July 15, 1969 Filed with Secretary of State July 15, 1969.]

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

SECTION 1. Section 25 is added to the Labor Code, to read:

25. "Sheriff" includes "constable" and "marshal."

CHAPTER 526

An act to amend Section 1426 of the Labor Code, relating to fair employment practice.

[Approved by Governor July 15, 1969. Filed with Secretary of State July 15, 1969.]

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

SECTION 1. Section 1426 of the Labor Code is amended to read:

1426. If the commission finds that a respondent has engaged in any unlawful employment practice as defined in this part, the commission shall state its findings of fact and shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such unlawful employment practice and to take such action, including (but not limited to) hiring, reinstatement or upgrading of employees, with or without back pay, or restoration to membership in any respondent labor organization, as, in the judgment of the commission, will effectuate the purposes of this part, and including a requirement for report of the manner of compliance. If the commission finds that a respondent has not engaged in any such unlawful employment practice, the commission shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the said accusation as to such respondent. A copy of its order shall be delivered in all cases to the Attorney General, and such other public officers as the commission deems proper.

Any order issued by the commission shall have printed on its face references to the provisions of the Administrative Procedure Act which prescribe the rights of appeal of any party to the proceeding to whose position the order is adverse.

CHAPTER 527

An act to amend Section 2873 of the Business and Professions Code, relating to vocational nursing.

[Approved by Governor July 15, 1969. Filed with Secretary of State July 15, 1969.]

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

SECTION 1. Section 2873 of the Business and Professions Code is amended to read:

2873. Any person possessing either the education or the experience, or any combination of both the education and the experience equivalent to that acquired in an accredited school of vocational nursing may be licensed as a vocational

nurse under the provisions of this chapter, provided that he successfully demonstrates to the board that he possesses the necessary qualifications, and successfully passes such examinations or tests as may from time to time be required by the board.

CHAPTER 528

An act to amend Section 840 of the Penal Code, relating to arrests.

[Approved by Governor July 15, 1969. Filed with Secretary of State July 15, 1969.]

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

SECTION 1. Section 840 of the Penal Code is amended to read:

840. An arrest for the commission of a felony may be made on any day and at any time of the day or night. An arrest for the commission of a misdemeanor or an infraction cannot be made between the hours of 10 o'clock p.m. of any day and 7 o'clock a.m. of the succeeding day, unless:

(1) The arrest is made without a warrant pursuant to Section 836 or 837.

(2) The arrest is made in a public place.

(3) The arrest is made when the person is in custody pursuant to another lawful arrest.

(4) The arrest is made pursuant to a warrant which, for good cause shown, directs that it may be served at any time of the day or night.

CHAPTER 529

An act to amend Section 172 of the Penal Code, relating to alcoholic beverages.

[Approved by Governor July 15, 1969. Filed with Secretary of State July 15, 1969.]

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

SECTION 1. Section 172 of the Penal Code is amended to read:

172. (a) Every person who, within one-half mile of the land belonging to this state upon which any state prison, or within 1,900 feet of the land belonging to this state upon which any Youth Authority institution is situated, or within one mile of the grounds belonging to the University of California, at Berkeley, or within one mile of the grounds belonging to the University of California at Santa Barbara, as such grounds existed as of January 1, 1961, or within one mile of the grounds belonging to Fresno State College, or within three miles of

the University Farm at Davis, or within 1½ miles of any building actually occupied as a home, retreat, or asylum for ex-soldiers, sailors, and marines of the Army and Navy of the United States, established or to be established by this state, or by the United States within this state, or within the State Capitol, or within the limits of the grounds adjacent and belonging thereto, sells or exposes for sale, any intoxicating liquor, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100), or by imprisonment for not less than 50 days or by both such fine and imprisonment, in the discretion of the court.

(b) The provision of subdivision (a) of this section prohibiting the sale or exposure for sale of any intoxicating liquor within 1,900 feet of the land belonging to this state upon which any Youth Authority institution is situated shall not apply with respect to the Fred C. Nelles School for Boys.

(c) Except within the State Capitol or the limits of the grounds adjacent and belonging thereto, as mentioned in subdivision (a) of this section, the provisions of this section shall not apply to the sale or exposing or offering for sale of ale, porter, wine, similar fermented malt or vinous liquor or fruit juice containing one-half of 1 percent or more of alcohol by volume and not more than 3.2 percent of alcohol by weight nor the sale or exposing or offering for sale of beer.

(d) Distances provided in this section shall be measured not by airline but by following the shortest highway or highways as defined in Section 360 of the Vehicle Code connecting the points in question. In measuring distances from the Folsom State Prison, the measurement shall start at the entrance gate of the prison.

(e) The provision of subdivision (a) of this section prohibiting the sale or exposure for sale of any intoxicating liquor within 1½ miles of any building actually occupied as a home, retreat, or asylum for ex-soldiers, sailors, and marines of the Army and Navy of the United States shall not apply to the Veterans' Home at Yountville, Napa County, California.

CHAPTER 530

An act to add Section 24242.5 to the Health and Safety Code, relating to aircraft.

[Approved by Governor July 15, 1969. Filed with Secretary of State July 15, 1969.]

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

SECTION 1. Section 24242.5 is added to the Health and Safety Code, to read:

24242.5. No person shall operate any aircraft in such a manner that will result in the discharge into the atmosphere

of any air contaminant for a period of over 10 seconds in any one hour which is:

(a) As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines; or,

(b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subdivision (a) of this section.

As used in this section, "aircraft" means any contrivance used or designed for navigation of, or flight in, the air.

This section shall not apply to any aircraft being used in the seeding of an agricultural crop or the application of a pesticide, as defined in Sections 11404 and 12753 of the Agricultural Code, which is used in connection with the commercial production of any animal or plant crop.

SEC. 2. The provision of this act shall be operative January 1, 1971.

CHAPTER 531

An act to amend Sections 3370, 3371, 3372, and 3375 of, and to add Section 3377.1 to, the Financial Code, relating to banks.

[Approved by Governor July 15, 1969 Filed with Secretary of State July 15, 1969]

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

SECTION 1. Section 3370 of the Financial Code is amended to read:

3370. A bank shall not make any loan to any officer of the bank, directly or indirectly, or to any corporation in which such officer is a stockholder, director, officer, or employee or to any partnership of which such officer is a partner or employee, or for the benefit of such officer or on the endorsement, surety, or guaranty of such officer, except as follows:

(a) A loan may be made to a corporation of which the officer is a director, officer, employee, or a minority stockholder; provided, that:

If the officer is a director, officer, or employee of such corporation or owns or controls directly or indirectly more than 10 percent of the stock of such corporation or if two or more directors or officers of the bank own or control more than 20 percent of the capital stock of such corporation,

(1) The loan is authorized or is confirmed within 40 days after the same is made by a majority of all of the directors of such bank and the affirmative vote of two-thirds of the directors of such bank present at the meeting authorizing or confirming such loan; and

(2) The loan is reported to the superintendent in the manner provided in Section 3374.

(b) A loan may be made to a limited partnership of which the officer is a limited partner owning or controlling not more than a 50-percent interest or an employee; provided that:

If the officer is an employee of such partnership or owns or controls more than a 10-percent interest or if two or more officers or directors of the bank own or control more than a 20-percent interest in such partnership.

(1) The loan is authorized or is confirmed in the manner provided in paragraph (1) of subdivision (a) of this section; and

(2) The loan is reported to the superintendent in the manner provided in Section 3374.

(c) A loan not exceeding thirty thousand dollars ($30,000) may be made to an officer, secured by a first lien on a dwelling which is expected, after the making of the loan, to be owned by such officer and used by him as his residence, provided, that:

(1) No other loan to such officer under authority of this subdivision is outstanding;

(2) The loan is authorized or is confirmed in the manner provided in paragraph (1) of subdivision (a) of this section; and

(3) The loan is reported to the superintendent in the manner provided in Section 3374.

(d) A loan may be made to an officer for the purpose of financing the education of the children of such officer; provided, that:

(1) Such loan, together with other outstanding loans made to such officer under authority of this subdivision, does not exceed the aggregate amount of ten thousand dollars ($10,000);

(2) The loan is authorized or is confirmed in the manner provided in paragraph (1) of subdivision (a) of this section; and

(3) The loan is reported to the superintendent in the manner provided in Section 3374.

(e) A loan may be made to an officer if such loan, together with any outstanding loans to the officer (other than loans made under authority of subdivisions (a), (b), (c), or (d) of this section), does not exceed five thousand dollars ($5,000).

SEC. 2. Section 3371 of the Financial Code is amended to read:

3371. A bank shall not make any loan to a director of the bank, directly or indirectly, or to any corporation of which such director is a stockholder, officer, or employee or to any partnership of which such director is a partner or on the endorsement, surety, or guaranty of such director unless:

(a) The loan is secured by obligations of the United States or for the payment of which the faith and credit of the United States are pledged, obligations of the State of California or for the payment of which the faith and credit of the State of California are pledged, or bonds of any city, county,

city and county, metropolitan water district, or school district of the State of California; or

(b) The loan is to a corporation of which such director is a stockholder, officer, or director and such director does not own or control more than 10 percent of the capital stock of the corporation and no two or more officers or directors of the bank together own or control more than 20 percent of the capital stock of the corporation; or

(c) The loan is to a limited partnership of which such director is a limited partner, and such director does not own or control more than a 10-percent interest in such partnership, and no two or more officers or directors of the bank together own or control more than a 20-percent interest in such partnership; or

(d) The loan is authorized or is confirmed within 40 days after the same is made by a majority of all of the directors of the bank and the affirmative vote of two-thirds of the directors of the bank present at the meeting authorizing or confirming the loan other than the interested director who shall not vote or participate in any manner in the action of the board authorizing or confirming the loan, except that with the consent of the superintendent previously obtained in writing all directors may vote on such a loan made to any corporation or bank where all of the outstanding shares of stock of one are owned by or held in trust for the owners of not less than 90 percent of the outstanding shares of stock of the other and where all or a majority of the directors of the borrowing corporation or bank are directors of the loaning bank; or

(e) The loan, together with any outstanding loans to the director, other than may have been made under subdivisions (a), (b), (c), or (d), does not exceed five thousand dollars ($5,000).

SEC. 3. Section 3372 of the Financial Code is amended to read:

3372 A bank shall not make a loan to any employee of the bank, directly or indirectly, or to any corporation in which such employee or such employee together with one or more directors, employees, or officers of the bank owns a controlling interest or to any partnership in which such employee is a limited partner owning or controlling more than a 50-percent interest or a general partner, or on the surety, guaranty, or endorsement of such employee, unless:

(a) The loan, together with any outstanding loans to such employee or to any such partnership or corporation, does not exceed five thousand dollars ($5,000); or

(b) The loan is secured by obligations of the United States or for the payment of which the faith and credit of the United States are pledged, or obligations of the State of California or for the payment of which the faith and credit of the State of California are pledged, or bonds of any city, county,

city and county, metropolitan water district, or school district of the State of California; or

(c) The loan is authorized or confirmed by the vote of a majority of all of the directors of the bank and the affirmative vote of two-thirds of the directors of the bank present at the meeting authorizing or confirming such loan.

SEC. 4. Section 3375 of the Financial Code is amended to read:

3375. A bank shall not make a loan to any corporation a majority of the stock of which is owned or controlled by any one or more of the directors or by one or more of the directors together with one or more officers of such bank collectively, or to any partnership a majority interest of which is owned or controlled by one or more of the directors or by one or more of the directors together with one or more officers of such bank collectively, except with the previous consent of the superintendent.

SEC. 5. Section 3377.1 is added to the Financial Code, to read:

3377.1. A bank may make a loan, otherwise complying with the provisions of this division, for the benefit of a trust, notwithstanding that such bank or any one or more officers, directors, or employees of such bank are trustees of such trust, provided that no officer, director, or employee of such bank is a beneficiary of such trust.

CHAPTER 532

An act to add Section 5991.5 to the Education Code, relating to work experience education, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 15, 1969. Filed with Secretary of State July 15, 1969.]

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

SECTION 1. Section 5991.5 is added to the Education Code, to read:

5991.5. The governing board of any school district providing work experience and work study education may provide for employment under such program of pupils in part-time jobs located in areas outside the district and such employment may be by any public or private employer. Such districts may pay wages to persons receiving such training whether assigned within or without the district, except that no payments may be to or for private employers, and may provide workmen's compensation insurance as may be necessary.

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 essential work experience and work study funds to be available this summer for students working in public employment, it is necessary that this act take immediate effect.

CHAPTER 533

An act to add Article 7 (commencing with Section 22185) to Chapter 1, Part 5, Division 11 of the Water Code, relating to irrigation districts.

[Approved by Governor July 18, 1969. Filed with Secretary of State July 18, 1969.]

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

SECTION 1. Article 7 (commencing with Section 22185) is added to Chapter 1, Part 5, Division 11 of the Water Code, to read:

Article 7. Recreational Facilities

22185. A district may construct, maintain, and operate recreational facilities in connection with any dams, reservoirs, or other works owned or controlled by the district.

22186. A district may fix and assess reasonable charges for the use of the recreational facilities by members of the public.

CHAPTER 534

An act to maintain the Education Code by amending Sections 1205, 1329, 6456, 6467, 6801, 6806, 6807, 6808, 6811, 6812, 6812.5, 6813, 6815, 6871, 6874.6, 6902, 6903, 6907, 6910, 6911, 6931, 10751, 12409, 13187, 18461 as added by Chapter 887 of the Statutes of 1961, 19756, 19806, 24518, and 25431.5, by amending and renumbering Section 1081.5 as added by Chapter 1627 of the Statutes of 1967, the heading of Chapter 15 (commencing with Section 7471) of Division 6, the heading of Article 5.1 (commencing with Section 16231) of Chapter 2 of Division 12, and Section 23758.2, and by repealing Sections 371 as added by Chapter 1536 of the Statutes of 1967, 372 as added by Chapter 1536 of the Statutes of 1967, and 5721 as added by Chapter 842 of the Statutes of 1965, Article 3 (commencing with Section 6991) of Chapter 10.5 of Division 6, Section 13529.5 as added by Chapter 1536 of the Statutes of 1967, Sections 18461 as added by Chapter 809 of the Statutes of 1961, 19591.7, and 19656.5, Chapter 17 (commencing with Section 20001) of

Division 14, Chapter 2 (commencing with Section 20601) of Division 16, Sections 21116 as added by Chapter 1536 of the Statutes of 1967, 21117 as added by Chapter 1536 of the Statutes of 1967, Sections 25411.2, 25411.3, 25411.4 and 27509, relating to education.

[Approved by Governor July 18, 1969. Filed with Secretary of State July 18, 1969.]

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

SECTION 1. Section 371 of the Education Code as added by Chapter 1536 of the Statutes of 1967 is repealed.

SEC. 2. Section 372 of the Education Code as added by Chapter 1536 of the Statutes of 1967 is repealed.

SEC. 3. Section 1081.5 of the Education Code as added by Chapter 1627 of the Statutes of 1967 is amended and renumbered to read:

1081.6. An excursion or field trip to a foreign country adjacent to this state may be conducted for pupils enrolled in any of grades 6 through 8 in an elementary school, provided that: (1) the excursion or field trip is made pursuant to an agreement between the governing board of the school district maintaining such school and the governing authority having jurisdiction over a public school in the foreign country, whereby provision is made for an exchange of pupils between the schools for educational purposes including the cultural enrichment of the pupils; (2) all travel and maintenance expenses of pupils and district employees making such excursion or field trip are paid by such pupils and employees, or by a parent-teacher association or other organization of parents formed for the purpose of cooperating with the school authorities in improving school conditions in the district; and (3) all persons making such excursion or field trip waive all claims against the district or the State of California for injury or death occurring during or by reason of the excursion or field trip.

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

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

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

SEC. 4. Section 1205 of the Education Code is amended to read:

1205. Whenever a unified school district has within its boundaries a chartered city or a city with a population of more than 8,000 or whenever the average daily attendance of a unified school district is 1,500 or more, for all purposes the district shall be deemed a city school district governed by a city board of education and the governing board thereof shall be deemed a city board of education.

SEC. 5. Section 1329 of the Education Code is amended to read:

1329. If pursuant to Section 1327 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. 6. Section 5721 of the Education Code as added by Chapter 842 of the Statutes of 1965 is repealed.

SEC. 7. Section 6456 of the Education Code is amended to read:

6456. The purpose of this article is to establish criteria to guide local school districts in making applications for federal funds under the Elementary and Secondary Education Act of 1965 as accepted in Chapter 5 (commencing with Section 551) of Division 2, or any state funds provided specially for the purposes of this chapter.

These criteria shall apply to the extent that they do not conflict with the provisions of the Elementary and Secondary Education Act of 1965 or administrative regulations promulgated under that act.

SEC. 8. Section 6467 of the Education Code is amended to read:

6467. The Director of Compensatory Education shall, under the policy direction of the State Board of Education and the administrative direction of the Director of Education, have overall supervision and control of programs of compensatory education provided throughout the state, and shall take action necessary to coordinate all such programs. He shall, pursuant to the provisions of this chapter and the provisions of the Elementary and Secondary Education Act of 1965 and the regulations promulgated thereunder, be responsible for receiving and recommending approval or disapproval to the State Board of Education of local program applications and providing technical and consultative assistance to school districts.

The Director of Compensatory Education shall conduct continuing research and study of the subject of programs of compensatory education, involving not only the examination and evaluation of programs established under the provisions of this chapter but comparable undertakings in other states, to the end of effecting improvement in the administration of

the programs for compensatory education established under the provisions of this chapter. He shall serve as a clearinghouse and center of information, and shall issue and disseminate to school districts participating in programs established under this chapter or otherwise affected by problems presented by the presence of disadvantaged minors anywhere, such publications and results of investigations as will tend to foster the establishment of sound programs for compensatory education and to enhance their effectiveness.

He shall collect and provide information concerning sources of federal, state, and local public funds, and private funds, which may be available for compensatory education purposes. It shall be the responsibility of the local officials and agencies of the public school system to take necessary measures to secure all outside financial assistance which may be available.

The State Board of Education, on recommendation of the Director of Compensatory Education, shall determine the eligibility of applicant school districts for grants provided under this chapter. Applications for approval of programs and for grants shall be comprehensive in scope. Applicant districts shall, to the extent practicable, provide programs at all grade levels, but special emphasis is to be given programs provided at the preschool and early elementary grade levels.

SEC. 9. Section 6801 of the Education Code is amended to read:

6801. Subject to the provisions of this article (commencing with Section 6801) and Section 894 the governing board of any school district may make such special provisions as in its judgment may be necessary for the education of physically handicapped minors. "Physically handicapped minor," as used in this article (commencing with Section 6801) means a physically defective or handicapped person under the age of 21 years who is in need of education.

SEC. 10. Section 6806 of the Education Code is amended to read:

6806. Subject to the provisions of Section 894 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. 11. Section 6807 of the Education Code is amended to read:

6807. Subject to the provisions of Section 894 the governing board of a school district may provide for the transportation of pupils assigned to special schools or classes for physically handicapped pupils, and shall provide transportation for those pupils whose physical handicaps prevent their walking to school.

SEC. 12. Section 6808 of the Education Code is amended to read:

6808. Subject to the provisions of Section 894 the governing board of the school district in which any physically handicapped minor is actually living, although the residence of his parents or guardian is outside the district, shall provide for the transportation of such minor to the school at which education is furnished, if his handicap prevents his walking to school or if the distance is greater than one mile, regardless of whether such education is furnished within or without the district.

SEC. 13. Section 6811 of the Education Code is amended to read:

6811. Subject to the provisions of Section 894 the governing board of a school district may establish regulations determining who can profit by and who shall receive the

special instruction provided by this article (commencing with Section 6801). The regulations shall be subject to such standards as may be prescribed by the State Department of Education.

SEC. 14. Section 6812 of the Education Code is amended to read:

6812. Subject to the provisions of Section 894 physically handicapped minors may be instructed in special schools or special classes, in hospitals, sanatoriums, or preventoriums, in the home through the employment of home instructors, by cooperative arrangement with the Department of Rehabilitation, or by any other means approved by the State Department of Education.

Minors with speech disorders or defects may be admitted at school for individual instruction at the age of three years for the purpose of remedying such speech disorders or defects.

Minors who are deaf or hard of hearing, as determined by the State Board of Education, and between the ages of three and six years may be admitted at school for individual instruction or be instructed in the home through the employment of a home instructor, provided there are fewer than five such educable minors in the community making the establishment of a special day class impracticable, or the establishment of a special day class for such minors is impracticable because there are fewer than five such minors in the community within reasonable travel distance of a school suitable for the establishment of such a special day class, and provided, further, that such instruction is afforded by a teacher or home instructor possessing full qualifications for the credential to teach deaf pupils as prescribed by the regulations of the State Board of Education.

SEC. 15. 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 three 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 894) of Chapter 4 of Division 3.

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 894) of Chapter 4 of Division 3.

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. 16. Section 6813 of the Education Code is amended to read:

6813. Subject to the provisions of Section 894 special classes or individual instruction provided for pretuberculous, tuberculous, convalescent, or other physically handicapped minors in hospitals, sanatoriums, and preventoriums, may be maintained in the institutions within or without the school district, and the attendance of pupils in the institutions shall be credited to the district providing the instruction.

SEC. 17. Section 6815 of the Education Code is amended to read:

6815. Subject to the provisions of Section 894 a minor with cerebral palsy may attend a special school or class maintained by any school district for minors with cerebral palsy. The governing board of the district of residence shall pay to the district of attendance at the close of each school year the total current expenditures of the district of attendance, for the education of such minor during such school year, less all apportionments of state and federal funds made on account of the attendance of such pupils. The governing board of the district of residence may agree to reimburse the district of attendance for use of buildings and equipment. If the district of residence has insufficient funds to make such payment, the county superintendent of schools having jurisdiction over the district of residence shall apportion to the district from the county school service fund such sum as may be necessary to permit the district to meet its obligation under this section.

SEC. 18. 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 894) of Chapter 4 of Division 3, 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. 19. Section 6874.6 of the Education Code is amended to read:

6874.6. A claim concerning the attendance of an exceptional child at any school, institution, or agency in which there are insufficient numbers of properly credentialed teachers but which otherwise offers an acceptable educational program shall not be disallowed pursuant to Section 6874, if:

(a) The Department of Education has determined that there is in the area served by the school, institution, or agency a shortage of properly credentialed teachers, and

(b) The Department of Education determines that the needs of the exceptional children to be served by the school, institution, or agency will be more adequately served through an education at the school, institution, or agency than they would be if the children remain in their existing educational environments.

At such time that the Department of Education determines that there is in the area served by the school, institution, or agency a sufficient number of properly credentialed and employable teachers, the department shall require that properly credentialed teachers be employed by the school, institution, or agency before a claim may be satisfied for the education of an exceptional child at the school, institution, or agency.

This section shall apply only to a school, institution, or agency, enrolling an exceptional child under this chapter, which is situated in this state.

SEC. 20. Section 6902 of the Education Code is amended to read:

6902. The education of mentally retarded minors who are of compulsory school age and who may be expected to benefit from special educational facilities designed to make them economically useful and socially adjusted shall be provided for in the manner set forth in Sections 6901 to 6913, inclusive, and in Sections 895 to 895.10, inclusive. Such special education may be provided mentally retarded minors below compulsory school age who are between five years nine months and eight years of age and those above compulsory school age and less than 21 years of age.

SEC. 21. Section 6903 of the Education Code is amended to read:

6903. The education of mentally retarded minors who do not come within the provisions of Section 6902, who are eight or more, and less than 18 years of age and who may be expected to benefit from special educational facilities designed to educate and train them to further their individual acceptance, social adjustment, and economic usefulness in their homes and within a sheltered environment, shall be provided for in the manner set forth in Sections 6901 to 6913, inclusive, and in Sections 895 to 895.10, inclusive. The education of such mentally retarded minors who are five or more and less than eight years of age may be provided for in the manner set forth in Sections 6901 to 6913, inclusive, and in Sections 8951 to 8956, inclusive.

Any such minor who becomes 18 years of age while in attendance upon a special training school or class shall be permitted to continue to attend thereon for the remainder of the time such school or class is maintained during the then current school year.

Notwithstanding other provisions of this section any such minor who is participating regularly in an approved occupational training program in the manner set forth in Sections 6931 and 6932 may be permitted by the governing board of the district or county superintendent of schools, as the case may be, maintaining such training program to continue thereon until his 21st birthday.

SEC. 22. Section 6907 of the Education Code is amended to read:

6907. One person in the Department of Education shall devote his entire time to the supervision of training of mentally retarded minors. The department shall employ such other persons as are necessary to carry out the purposes of Sections 6901 to 6913, inclusive, and of Sections 895 to 895.10, inclusive.

SEC. 23. Section 6910 of the Education Code is amended to read:

6910. The governing board of any school district otherwise required or authorized to maintain special training schools and classes under Sections 6904 and 6905 for mentally retarded minors may provide for the education of such minors in, and for the transportation of such minors to, special training schools or classes maintained by another school district under Sections 6901 to 6913, inclusive, or by a county superintendent of schools under Sections 895 to 895.10, inclusive, subject to such terms and conditions as may be agreed upon.

SEC. 24. Section 6911 of the Education Code is amended to read:

6911. In lieu of entering into an agreement for the transportation of mentally retarded minors by the school district or county superintendent of schools, in the special training schools and classes of which the education of such minors is provided under Section 6910 or 895.4, the school district or county superintendent of schools of the county required to provide for their education may provide such transportation.

SEC. 25. Section 6931 of the Education Code is amended to read:

6931. The State Board of Education may adopt rules and regulations governing the establishment and conduct of programs for preparing physically handicapped and mentally retarded minors enrolled in special day classes for suitable occupations. Such programs shall provide for physically handicapped and mentally retarded minors who are unable to profit by courses of work experience education as provided in Article 5.5 (commencing with Section 5985) of Chapter 6 of Division 6.

SEC. 26. Article 3 (commencing with Section 6991) of Chapter 10.5 of Division 6 of the Education Code is repealed.

SEC. 27. The heading of Chapter 15 (commencing with Section 7471) of Division 6 of the Education Code is amended and renumbered to read:

CHAPTER 14.5. DIPLOMAS

SEC. 28. 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 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 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. 29. Section 12409 of the Education Code is amended to read:

12409. If the court upon hearing the case finds that the allegations are sustained by the evidence, it may render judgment that the child shall be detained and maintained in an opportunity school or opportunity class, if there is one in the county, during the remainder of the school term.

SEC. 30. Section 13187 of the Education Code is amended to read:

13187. Except as otherwise provided in Sections 13187.1, 13117, 13118, 13119, 13271, 13185, 13149, 13151, 13152, and 13197.5, the State Board of Education shall, on and after the operative date of this article, issue only the following five types of credentials:

(a) A standard teaching credential with specializations in elementary teaching, secondary teaching, or junior college teaching.

(b) A standard designated subjects teaching credential.
(c) A standard designated services credential.
(d) A standard supervision credential.
(e) A standard administration credential.

SEC. 31. Section 13529.5 of the Education Code as added by Chapter 1536 of the Statutes of 1967 is repealed.

SEC. 32. The heading of Article 5.1 (commencing with Section 16231) of Chapter 2 of Division 12 of the Education Code is amended and renumbered to read:

Article 5.7. Lease or Rental of Junior College Facilities

SEC. 33. Section 18461 of the Education Code as added by Chapter 809 of the Statutes of 1961 is repealed.

SEC. 34. Section 18461 of the Education Code as added by Chapter 887 of the Statutes of 1961 is amended to read:

18461. Any undistributed balance from the amounts transferred to the State School Fund under subdivision (a) of Section 17301 which for any reason remains in the State School Fund and has not otherwise been apportioned by law shall be apportioned as additional state aid to all the districts. The amount of additional state aid allowed each such district for each unit of average daily attendance shall be determined by dividing such remaining balance by the average daily attendance of all districts. The Controller shall draw warrants on the State Treasury in favor of the county treasurer of each county in the last month of each fiscal year in the amounts certified by the Superintendent of Public Instruction as apportioned under this section. The warrants shall be paid by the State Treasurer from the State School Fund and are not subject to the provisions of Government Code Section 925.6.

SEC. 35. Section 19591.7 of the Education Code is repealed.

SEC. 36. Section 19656.5 of the Education Code is repealed.

SEC. 37. Section 19756 of the Education Code is amended to read:

19756. All money deposited in the fund under Section 19611 of this code and Article 4.5 (commencing with Section 16480) of Chapter 3, Part 2, Division 4, Title 2 of the Government Code shall be available only for transfer to the General Fund, as provided in Section 19755. When transferred to the General Fund such money shall be applied as a reimbursement to the General Fund on account of principal and interest due and payable or paid from the General Fund on the earliest issue of school building bonds for which the General Fund has not been fully reimbursed by such transfer of funds.

SEC. 38. Section 19806 of the Education Code is amended to read:

19806. All money deposited in the fund under Section 19611 of this code and Article 4.5 (commencing with Section

16480) of Chapter 3, Part 2, Division 4, Title 2 of the Government Code shall be available only for transfer to the General Fund, as provided in Section 19805. When transferred to the General Fund such money shall be applied as a reimbursement to the General Fund on account of principal and interest due and payable or paid from the General Fund on the earliest issue of school building bonds for which the General Fund has not been fully reimbursed by such transfer of funds.

SEC. 39. Chapter 17 (commencing with Section 20001) of Division 14 of the Education Code is repealed.

SEC. 40. Chapter 2 (commencing with Section 20601) of Division 16 of the Education Code as added by Chapter 1536 of the Statutes of 1967 is repealed.

SEC. 41. Section 21116 of the Education Code as added by Chapter 1536 of the Statutes of 1967 is repealed.

SEC. 42. Section 21117 of the Education Code as added by Chapter 1536 of the Statutes of 1967 is repealed.

SEC. 43. Section 23758.2 of the Education Code as added by Chapter 476 of the Statutes of 1968 is amended and renumbered to read:

23758.05. Any female who is a California resident shall not lose such residence status for the purposes of any state college fee or rate of tuition by virtue of her marriage to a nonresident who is a member of the armed forces of the United States and who is required to serve outside of this state.

SEC. 44. Section 24518 of the Education Code is amended to read:

24518. An indenture may include a clause defining the power of the board in applying the proceeds of the sale of any issue of bonds for the acquiring, constructing, or completing of any project or any part thereof.

SEC. 45. Section 25411.2 of the Education Code is repealed

SEC. 46. Section 25411.3 of the Education Code is repealed.

SEC. 47. Section 25411.4 of the Education Code is repealed.

SEC. 48. Section 25431.5 of the Education Code is amended to read:

25431.5. Except as provided in Section 25432.5, no junior college district shall be formed and the State Board of Education shall not approve a petition to form a junior college district if the assessed valuation of taxable property in the proposed district is less than one hundred fifty thousand dollars ($150,000) for each unit of estimated potential average daily attendance. For the purposes of this section, the assessed valuation of the territory in the district shall be that shown by the last equalized assessment roll of the county or counties in which the district will be located as of the time the petition to form the district is presented to the State Board of Education.

SEC. 49. Section 27509 of the Education Code is repealed.

CHAPTER 535

An act to add Section 27129 to the Education Code, relating to school library services.

[Approved by Governor July 18, 1969. Filed with Secretary of State July 18, 1969.]

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

SECTION 1. Section 27129 is added to the Education Code, to read:

27129. The governing board of a school district, whose territory is served by one or more public agencies authorized to provide public library services, may contract with one or more of them for the purpose of making such services available to the pupils attending the schools maintained by the district. Expenses incurred by a school district pursuant to such a contract shall be a proper charge upon the general fund of the school district.

CHAPTER 536

An act to amend Section 484 of the Insurance Code, relating to insurance premiums.

[Approved by Governor July 18, 1969 Filed with Secretary of State July 18, 1969.]

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

SECTION 1. Section 484 of the Insurance Code is amended to read:

484. An acknowledgment in a policy of the receipt of premium is conclusive evidence of its payment, so far as to make the policy binding. Notwithstanding such acknowledgment, a policy may be canceled effective at such times as otherwise permitted by law for nonpayment of all or any portion of the premium which is actually unpaid if such cancellation right is reserved to the insurer in the policy.

CHAPTER 537

An act to amend Sections 34231, 34261, 35811, 36603, 36631, 36637, and the heading of Article 12 (commencing with Section 38391) of Chapter 5 of Part 3 of Division 15 of, and to add Section 38397 to, the Agricultural Code, relating to milk and milk products.

[Approved by Governor July 18, 1969 Filed with Secretary of State July 18, 1969.]

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

SECTION 1. Section 34231 of the Agricultural Code is amended to read:

34231. Payment for milk, cream, or any fluid derivative of milk or cream shall be made on the basis of weight or measure and percentage of the milk fat or the fluid skim milk components or both contained in it, as determined by samples taken from each lot of the milk, cream, or fluid derivative of milk or cream upon delivery.

SEC. 2. Section 34261 of the Agricultural Code is amended to read:

34261. A permanent record in duplicate of every test of milk, cream, or any fluid derivative of milk or cream which is purchased, received, or sold on the basis of the amount of milk fat or the fluid skim milk components or both that is contained in it, shall be made by a licensed tester on a standard form which is in accordance with the specifications for such record which are adopted by, the department.

SEC. 3. 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 pasteurized market cream shall be 20,000 per gram.

SEC. 4. Section 36603 of the Agricultural Code is amended to read:

36603. Any standard which is established pursuant to this article shall expire on the 61st day after the final adjournment of the second regular session of the Legislature commencing after the establishment or issuance of such standard.

SEC. 5. Section 36631 of the Agricultural Code is amended to read:

36631. Upon the request of any interested person, the director may, by regulation, establish a temporary definition and standard for a new milk product pursuant to this article if all of the following conditions exist:

(a) Research in the uses of milk and the products or by-products of milk has developed a new milk product for which no definition or standard is prescribed.

(b) The new product cannot be produced or marketed because no definition or standard is prescribed for it.

(c) It appears to the satisfaction of the director that the public interest would be served by permitting the new product to be produced and marketed.

(d) Proposed legislation which embodied a permanent definition and standard for such new milk product has not failed

of enactment into law at the immediately preceding session of the Legislature.

SEC. 6. Section 36637 of the Agricultural Code is amended to read:

36637. Every definition, standard, and permit which is established or issued pursuant to this article expires on the 61st day after the final adjournment of the second regular session of the Legislature commencing after the establishment or issuance of such definition, standard or permit.

SEC. 7. The heading of Article 12 (commencing with Section 38391) of Chapter 5 of Part 3 of Division 15 of the Agricultural Code is amended to read:

Article 12. Extra Grade Edible Dry Whey and Dry Buttermilk

SEC. 8. Section 38397 is added to the Agricultural Code, to read:

38397. Buttermilk for drying shall be fresh, sweet and from the churning of sweet cream butter, with or without the addition of harmless lactic culture and unless cultured, shall be held at 45 degrees Fahrenheit or lower until processed. No neutralizing agent or chemical preservative may be added. The product shall be labeled "Extra Grade Dry Buttermilk."

SEC. 9. Notwithstanding Section 36637 of the Agricultural Code, as amended by this act, Sections 407 to 407.6, inclusive, and Sections 407.9 to 407.11, inclusive, of Title 3 of the California Administrative Code shall be in effect until the 61st day after the final adjournment of the 1971 Regular Session of the Legislature; however, the Director of Agriculture may amend such regulations as he deems necessary.

CHAPTER 538

An act to add Chapter 2 (commencing with Section 61770) to Part 6 of Division 3 of Title 6 of the Government Code, relating to community services districts.

[Approved by Governor July 18, 1969 Filed with Secretary of State July 18, 1969]

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

SECTION 1. Chapter 2 (commencing with Section 61770) is added to Part 6 of Division 3 of Title 6 of the Government Code, to read:

CHAPTER 2. ZONES

61770. Zones may be established within a district for any of the following purposes:

(a) Incurring a bonded indebtedness within the zone sufficient to pay the cost of construction of improvements or estab-

lishment of services which improvements and services the district is authorized to provide, where the improvements and services, in the judgment of the governing board, will not be of districtwide benefit, and levying a special tax within the zone for the payment of the principal and interest on the bonds

(b) Fixing and collecting special rates or charges and taxes for the construction of improvements and for the furnishing of such services within a zone, which improvements and services the district is authorized to provide, and applying the receipts from the special rates or charges to the expense of providing the service where in the judgment of the board the service is not of districtwide benefit.

(c) Levying special taxes to finance the construction, maintenance and operation of improvements or the furnishing of services where in the judgment of the board the improvements or services will not be of districtwide benefit.

61770.5. No zone may be established unless a minimum of 100 registered voters reside therein.

61771. Zones may be established within a district by either of the following methods:

(a) A petition for the formation of a zone within a district may be presented to the board, signed by owners representing at least 25 percent of the total assessed valuation of the real property within the proposed zone, as shown by the last equalized assessment roll of the county, or by not less than 25 percent of the registered voters residing within the proposed zone

(b) A resolution may be adopted by the board setting forth the matters required by Section 61772. If bonds are proposed to be issued under the authority of Section 61770, the resolution shall state the amount of the proposed indebtedness, the maximum maturity date, and the maximum interest rate.

61772. A petition or resolution shall contain:

(a) The boundaries of the proposed zone

(b) A general description of the improvement desired or service to be rendered.

(c) An estimate of the cost of the proposed improvement and of incidental expenses in connection therewith.

61773. The petition shall be presented at a regular meeting of the board and the board shall thereupon set a time for hearing the petition, which time shall be not less than 21 days nor more than 30 days after the date of presentation of the petition or adoption of the resolution as provided in Section 61771. Notice of hearing on the petition or resolution stating when the petition was filed or resolution adopted and specifying the time and place set for the hearing of the petition or resolution and informing interested parties of their right to protest shall be given by the clerk of the board by publication in the district pursuant to Section 6066.

61774. The date set for the hearing shall be at least seven days after the date of the last publication of the notice.

61775. At the time fixed for the hearing, the board shall hear and pass upon the petition and consider any protest and requests for exclusion that might have been filed with the clerk before or at the time set for the hearing and its decision thereon shall be final and conclusive.

61776. If 50 percent or more of the registered voters residing within the territory proposed to be included in the zone, or the owners of 50 percent or more of the value of the land and improvements in the territory proposed to be included in the zone, as shown by the last equalized assessment roll, file written protest against the establishment of the area, the board shall abandon the proposed establishment of the zone.

If such majority protest of the registered voters or of the property owners is against only the furnishing of a specified type of service within the area or the construction of certain improvements, those types of service or those improvements shall be eliminated from the resolution finally establishing the area.

61777. At any time not later than the hour set for such public hearing, any owner of property within the proposed zone may file a written request for exclusion of his property, or any portion thereof, from such zone. Such request shall state the name of the owner of the property affected and the street address or other description of the property sufficient to identify it on the last equalized assessment roll. A request for exclusion may be made on behalf of the owner by an agent authorized in writing by the owner to act as agent with respect to such property, provided that a request made on behalf of a private corporation which is an owner of property may be made by any officer or employee of the corporation without such written authorization.

At the time and place stated in such notice the board shall hold such public hearings, at which owners who have filed requests for exclusion of their property from the proposed zone may be heard in support of such requests for exclusion.

The board shall make specific findings as to whether or not property as to which a request for exclusion has been filed shall be included within the zone and shall exclude from such zone any such lands which the board finds will not be benefited by inclusion therein.

61778. The hearing may be continued from time to time but must be completed within 30 days of its commencement. After the hearing, the board may abandon the proposed establishment of the zone or may, after passing upon all protests and requests for exclusion, determine to establish the zone. If the board determines to establish the zone it shall do so by ordinance. and finally determine and establish the boundaries of the zone and designate the improvements to be constructed therein or designate the types of services to be performed therein.

In establishing the boundaries of the area, the board may alter the exterior boundaries of the area to include less territory than that described in the notice of hearing but it may not include any territory not described in the notice of the hearing.

61779. Upon the establishment of such a zone only the types of services contained in the resolution or the improvements specified in the resolution may be paid for out of special taxes levied within the zone. The zones established within the district may have tax rates varying with the extent of benefit to each zone, derived from services provided to the property in each zone or improvements benefiting the property in each zone.

61780. Upon the establishment of a zone, bonds may be issued for purposes of benefiting said zones in accordance with Chapter 4 of this part.

CHAPTER 539

An act to amend Section 16105 of the Vehicle Code, relating to duration of suspension and storage of motor vehicles.

[Approved by Governor July 18, 1969. Filed with Secretary of State July 18, 1969.]

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) All judgments or claims referred to in this division have been discharged.

(d) 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.

(e) Possession of the vehicle has been taken by or for a legal owner thereof or by or for another lienholder.

(f) 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.

(g) 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 540

An act to amend Section 13260 of the Education Code, relating to school employment.

[Approved by Governor July 18, 1969. Filed with Secretary of State July 18, 1969.]

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

SECTION 1. Section 13260 of the Education Code is amended to read:

13260. If, without good cause, a permanent employee of a school district fails prior to July 1st of any school year to notify the governing board of the district of his intention to remain or not to remain in the service of the district, as the case may be, during the ensuing school year if a request to give such notice, including a copy of this section, shall have been personally served upon him not later than the preceding June 10th, he may be deemed to have declined employment and his services as an employee of the district may be terminated on June 30th of that year.

CHAPTER 541

An act to amend Section 22507 of, and to add Section 22507.5 to, the Vehicle Code, relating to local parking regulations.

[Approved by Governor July 18, 1969. Filed with Secretary of State July 18, 1969.]

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

SECTION 1. Section 22507 of the Vehicle Code is amended to read:

22507. Local authorities may by ordinance or resolution prohibit or restrict the parking or standing of vehicles on certain streets or highways, or portions thereof, during all or certain hours of the day. With the exception of alleys, no such ordinance or resolution shall apply until signs or markings giving adequate notice thereof have been placed.

SEC. 2. Section 22507.5 is added to the Vehicle Code, to read:

22507.5. Notwithstanding the provisions of Section 22507, local authorities may by ordinance or resolution prohibit or restrict the parking or standing of vehicles on certain streets or highways, or portions thereof, between the hours of 2 a.m. and 6 a.m.

CHAPTER 542

An act to amend Sections 266h and 266i of the Penal Code, relating to pimping, pandering, and prostitution.

[Approved by Governor July 18, 1969. Filed with Secretary of State July 18, 1969.]

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

SECTION 1. Section 266h of the Penal Code is amended to read:

266h. Any person who, knowing another person is a prostitute, lives or derives support or maintenance in whole or in part from the earnings or proceeds of such person's prostitution, or from money loaned or advanced to or charged against such person by any keeper or manager or inmate of a house or other place where prostitution is practiced or allowed, or who solicits or receives compensation for soliciting for such person, is guilty of pimping, a felony, and is punishable by imprisonment in the state prison for not less than one year nor more than 10 years.

SEC. 2. Section 266i of the Penal Code is amended to read:

266i. Any person who: (a) procures another person for the purpose of prostitution; or (b) by promises, threats, violence, or by any device or scheme, causes, induces, persuades or encourages another person to become a prostitute; or (c) procures for another person a place as inmate in a house of prostitution or as an inmate of any place in which prostitution is encouraged or allowed within this state; or (d) by promises, threats, violence or by any device or scheme, causes, induces, persuades or encourages an inmate of a house of prostitution, or any other place in which prostitution is encouraged or allowed, to remain therein as an inmate; or (e) by fraud or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority, procures another person for the purpose of prostitution, or to enter any place in which prostitution is encouraged or allowed within this state, or to come into this state or leave this state for the purpose of prostitution; or (f) receives or gives, or agrees to receive or give, any money or thing of value for procuring, or attempting to procure, another person for the purpose of prostitution, or to come into this state or leave this state for the purpose of prostitution, is guilty of pandering, a felony, and is punishable by imprisonment in the state prison for not less than one year nor more than 10 years.

CHAPTER 543

An act to amend Section 35401 of the Vehicle Code, relating to vehicles.

[Approved by Governor July 18, 1969. Filed with Secretary of State July 18, 1969.]

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

SECTION 1. Section 35401 of the Vehicle Code is amended to read:

35401. (a) No combination of vehicles coupled together, including any attachments thereto, shall exceed a total length of 60 feet, except as provided in subdivision (b).

(b) The following combinations of vehicles coupled together, including any attachments thereto, may exceed a total length of 60 feet but may not exceed a total length of 65 feet:

(1) Motortruck and trailer.

(2) Truck tractor, semitrailer and trailer. In this combination of vehicles, a semitrailer equipped with an auxiliary dolly shall be considered a trailer.

(3) A motortruck and semitrailer that meet the following requirements:

The kingpin is not less than two feet to the rear of the center of the rearmost axle of the motortruck, and the distance from the kingpin to the rearmost axle of the semitrailer does not exceed 34 feet.

(4) A motortruck, trailer and forklift truck.

(5) A truck tractor, semitrailer and forklift truck.

(6) A truck tractor, semitrailer and a semitrailer designed to transport a forklift truck.

(7) Motortrucks and truck tractors while being operated in a "driveaway-towaway operation."

(c) Any city or county may, by ordinance, prohibit such combination of vehicles of a total length in excess of 60 feet upon highways under their respective jurisdiction. Such an ordinance shall not be effective until appropriate signs are erected indicating either the streets affected by the ordinance or the streets not affected, as the local authorities determine will best serve to give notice of the ordinance.

SEC. 2. Section 35401 of the Vehicle Code is amended to read:

35401. (a) No combination of vehicles coupled together, including any attachments thereto, shall exceed a total length of 60 feet, except as provided in subdivision (b).

(b) The following combinations of vehicles coupled together, including any attachments thereto, may exceed a total length of 60 feet but may not exceed a total length of 65 feet:

(1) Motortruck and trailer.

(2) Truck tractor, semitrailer and trailer. In this combination of vehicles, a semitrailer equipped with an auxiliary dolly shall be considered a trailer.

(3) A motortruck and semitrailer that meet the following requirements:

The kingpin is not less than two feet to the rear of the center of the rearmost axle of the motortruck, and the distance from the kingpin to the rearmost axle of the semitrailer does not exceed 34 feet.

(4) A motortruck, trailer and forklift truck.

(5) A truck tractor, semitrailer and forklift truck.

(6) A truck tractor, semitrailer and a semitrailer designed to transport a forklift truck.

(7) A truck tractor, semitrailer and logging dolly.

(8) Motortrucks and truck tractors while being operated in a "driveaway-towaway operation."

(c) Any city or county may, by ordinance, prohibit such combination of vehicles of a total length in excess of 60 feet upon highways under their respective jurisdiction. Such an ordinance shall not be effective until appropriate signs are erected indicating either the streets affected by the ordinance or the streets not affected, as the local authorities determine will best serve to give notice of the ordinance.

SEC. 3. It is the intent of Legislature, if amendments to Section 35401 of the Vehicle Code proposed by both this bill and S.B. 757 are enacted, that both amendments be given effect and incorporated in Section 35401 in the form set forth in Section 2 of this act. Therefore, in the event S.B. 757 is enacted and amends Section 35401, Section 2 of this act shall become operative at the same time that Section 35401 as amended by S B. 757 becomes operative, and at that time. Section 35401 of the Vehicle Code as amended by Section 1 of this act is repealed.

CHAPTER 544

An act to amend Sections 37853, 37883, and 37943 of the Agricultural Code, relating to cheese.

[Approved by Governor July 18, 1969 Filed with Secretary of State July 18, 1969.]

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

SECTION 1. Section 37853 of the Agricultural Code is is amended to read:

37853. Pasteurized process cheese food shall be sold to the consumer in the original unopened package which shall contain not more than two pounds in weight. Nothing in this section shall preclude the sale of pasteurized process cheese food for institutional or industrial use in packages larger than two

pounds or the use of pasteurized process cheese food in prepared foods.

SEC. 2. Section 37883 of the Agricultural Code is amended to read:

37883. Pasteurized cheese spreads shall be sold to the consumer in the original unopened package which shall contain not more than two pounds in weight. Nothing in this section shall preclude the sale of pasteurized cheese spread for institutional and industrial use in packages larger than two pounds or the use of pasteurized cheese spreads in prepared foods.

SEC. 3. Section 37943 of the Agricultural Code is amended to read:

37943. Coldpack cheese food shall be sold to the consumer in the original unopened package, which shall contain no more than two pounds in weight. Nothing in this section shall preclude the sale of coldpack cheese food for institutional and industrial use in packages larger than two pounds or the use of coldpack cheese food in prepared foods.

CHAPTER 545

An act to amend Section 72 of the Penal Code, relating to fraudulent claims.

[Approved by Governor July 18, 1969. Filed with Secretary of State July 18, 1969.]

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

SECTION 1. Section 72 of the Penal Code is amended to read:

72. Every person who, with intent to defraud, presents for allowance or for payment to any state board or officer, or to any county, city, or district board or officer, authorized to allow or pay the same if genuine, any false or fraudulent claim, bill, account, voucher, or writing, is punishable either by imprisonment in the county jail for a period of not more than one year, by a fine of not exceeding one thousand dollars ($1,000), or by both such imprisonment and fine, or by imprisonment in the state prison for a period of not more than five years, by a fine of not exceeding ten thousand dollars ($10,000), or by both such imprisonment and fine.

As used in this section "officer" includes a "carrier," as defined in Section 14057 or 14555 of the Welfare and Institutions Code, authorized to act as an agent for a state board or officer or a county, city, or district board or officer, as the case may be.

CHAPTER 546

An act to amend and renumber Section 690.12, as added by Chapter 198 of the Statutes of 1968, of the Code of Civil Procedure, relating to debtor's exemptions.

[Approved by Governor July 18, 1969. Filed with Secretary of State July 18, 1969.]

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

SECTION 1. Section 690.12, as added by Chapter 198 of the Statutes of 1968, of the Code of Civil Procedure is amended and renumbered to read:

690.125. All vacation credits accumulated by a state employee pursuant to Sections 18050 and 18051 of the Government Code or by any other public employee pursuant to any law for the accumulation of vacation credits applicable to the employee.

CHAPTER 547

An act to amend Section 22702 of the Vehicle Code, relating to vehicles.

[Approved by Governor July 18, 1969. Filed with Secretary of State July 18, 1969.]

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

SECTION 1. Section 22702 of the Vehicle Code is amended to read:

22702. (a) Any member of the California Highway Patrol or any regularly employed and salaried deputy or other employee of the sheriff's office of a county in which a vehicle is located or any regularly employed and salaried officer or other employee of a police department in a city in which a vehicle is located who has reasonable grounds to believe that the vehicle has been abandoned, may remove the vehicle from a highway or from public or private property.

(b) Any member of the California State Police who has reasonable grounds to believe that a vehicle has been abandoned upon property owned by the state, or rented or leased from others by the state, or property of a district agricultural association as to which the California State Police is providing policing services, may remove the vehicle from such property.

(c) Any policeman appointed or employed by the board of directors of a regional park district who has reasonable grounds to believe that a vehicle has been abandoned upon property owned by the regional park district or rented or

leased from others by the regional park district, may remove the vehicle from such property.

(d) The public agency employing the officer shall make an appraisal of any such vehicle either prior to or within five days after removal.

SEC. 2. Section 22702 of the Vehicle Code is amended to read:

22702. (a) Any member of the California Highway Patrol or any regularly employed and salaried deputy or other employee of the sheriff's office of a county in which a vehicle is located or any regularly employed and salaried officer or other employee of a police department in a city in which a vehicle is located who has reasonable grounds to believe that the vehicle has been abandoned, may remove the vehicle from a highway or from public or private property.

(b) Any member of the California State Police who has reasonable grounds to believe that a vehicle has been abandoned upon property owned by the state, or rented or leased from others by the state, or property of a district agricultural association as to which the California State Police is providing policing services, may remove the vehicle from such property.

(c) Any regularly employed and salaried officer or other employee of the University of California Police Department who has reasonable grounds to believe that a vehicle has been abandoned on a campus or in or about other grounds or properties owned, operated, controlled or administered by the Regents of the University of California may remove the vehicle from such property.

(d) Any policeman appointed or employed by the board of directors of a regional park district who has reasonable grounds to believe that a vehicle has been abandoned upon property owned by the regional park district or rented or leased from others by the regional park district, may remove the vehicle from such property.

(e) The public agency employing the officer shall make an appraisal of any such vehicle either prior to or within five days after removal.

SEC. 3. It is the intent of the Legislature, if amendments to Section 22702 of the Vehicle Code proposed by both this bill and A.B. 1667 are enacted, that both amendments be given effect and incorporated in Section 22702 in the form set forth in Section 2 of this act Therefore, in the event A.B. 1667 is enacted and amends Section 22702, Section 2 of this act shall become operative at the same time that Section 22702 as amended by A.B. 1667 becomes operative, and at that time, Section 22702 of the Vehicle Code as amended by Section 1 of this act is repealed.

CHAPTER 548

An act to amend Section 31873 of, and to add Section 31874.1 to, the Government Code, relating to County Employees Retirement Law of 1937.

[Approved by Governor July 18, 1969. Filed with Secretary of State July 18, 1969.]

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

SECTION 1. Section 31873 of the Government Code is amended to read:

31873. Any increases in contributions shall be shared equally between the county or district and the contributing members, with the individual member's contributions based upon his sex and age at his nearest birthday at time of entrance into the retirement system. The board of supervisors by a majority vote may elect to pay the costs of the contributions which would otherwise be assessed to the individual members.

SEC. 2. Section 31874.1 is added to the Government Code, to read:

31874.1. Whenever the percentage of annual increase in the cost of living as of January 1st of each year as shown by the Bureau of Labor Statistics Consumers Price Index exceeds 3 percent, all or part of such excess over 3 percent shall be applied to the retirement allowances, optional death allowances or annual death allowances increased in Section 31870 or 31870.1. The board of supervisors shall determine the amount of such excess to be applied, and the cost of the increases in allowances provided shall be paid from county and district contributions.

This section shall not be operative in any county until it is adopted by a majority vote of the board of supervisors.

CHAPTER 549

An act to amend Section 25509 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 18, 1969 Filed with Secretary of State July 18, 1969.]

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

SECTION 1. Section 25509 of the Business and Professions Code is amended to read:

25509. A distilled spirits manufacturer, a brandy manufacturer, a beer manufacturer, a winegrower, a wine blender, a distilled spirits rectifier, a wine rectifier, a distilled spirits wholesaler or a beer and wine wholesaler who sold and delivered

beer, wine, or distilled spirits to a retailer and who did not receive payment for such beer, wine, or distilled spirits by the expiration of the 42nd day from date of delivery shall charge the retailer 1 percent of the unpaid balance for such beer, wine, and distilled spirits on the 43rd day from date of delivery and an additional 1 percent for each 30 days thereafter.

A distilled spirits manufacturer, a brandy manufacturer, a beer manufacturer, a winegrower, a wine blender, distilled spirits rectifier, a wine rectifier, distilled spirits wholesaler or beer and wine wholesaler who sold and delivered beer, wine, or distilled spirits to a retailer and who did not receive payment in full by the expiration of the 30th day from date of delivery or who has not received payment of the 1 percent charge at the expiration of the 30th day from the day the charge became due shall thereafter sell beer, wine, or distilled spirits to said retailer either for cash or by receiving payment in advance of delivery until such time as all payments are received for the beer, wine, or distilled spirits sold and delivered to the said retailer more than 30 days previously.

The 42-day period and the 30-day period provided for in this section shall commence with the day immediately following the date of invoice and shall include all successive days including Sundays and holidays to and including the 42nd or 30th day as the case may be. When the 42nd day from date of invoice or the expiration of each additional 30-day period falls on Saturday, Sunday or legal holiday, the next business day shall be deemed to be the expiration day.

All moneys received from a retailer in payment for any beer, wine, or distilled spirits sold and delivered to him shall be first applied to the payment of the oldest balance on beer, wine, or distilled spirits. All checks received for such payments shall be deposited for collection not later than the second business day following receipt of said check. A promissory note, postdated check or check dishonored on presentation shall not be deemed payment.

CHAPTER 550

An act to add Section 4036.2 to the Business and Professions Code, relating to prescriptions.

[Approved by Governor July 18, 1969. Filed with Secretary of State July 18, 1969.]

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

SECTION 1. Section 4036.2 is added to the Business and Professions Code, to read:

4036.2. Notwithstanding any other provision of law, a prescriber may authorize his employee to orally transmit a pre-

scription to the furnisher, if the prescriber gives the furnisher within a reasonable time written evidence of the employee's authorization. The furnisher shall record the name of the employee of the prescriber who transmits the order.

This section shall not apply to orders for narcotics as defined in Division 10 of the Health and Safety Code.

CHAPTER 551

An act to amend Section 7376.6 of the Business and Professions Code, relating to cosmetology.

[Approved by Governor July 18, 1969. Filed with Secretary of State July 18, 1969.]

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

SECTION 1. Section 7376.6 of the Business and Professions Code is amended to read:

7376.6. No law which may hereafter be enacted increasing the number of hours of training in a school of cosmetology which are required for eligibility for any examination shall apply to a person who on the effective date of such law is a student in, or has completed the prescribed course of study in, such a school. This section shall not apply to a person who does not apply for and take the first examination for which he is eligible occurring after the effective date of such law, unless compliance with this requirement is waived by the board for good cause.

CHAPTER 552

An act to amend Sections 1702 and 1853 of the Probate Code, relating to conservatorship.

[Approved by Governor July 18, 1969 Filed with Secretary of State July 18, 1969]

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

SECTION 1. Section 1702 of the Probate Code is amended to read:

1702. Conservatorships shall be governed by the provisions of this division; provided, however, that whenever no specific provision of this division is applicable, then the provisions of Divisions 3 (commencing with Section 300) and 4 (commencing with Section 1400) of this code shall govern so far as they are applicable to like situations, except as provided in Section 1853 of this code.

SEC. 2. Section 1853 of the Probate Code is amended to read:

1853. On the application of the conservator, made at any time, which application may be included in a petition filed pursuant to Section 1754 of this code, the court may grant to a conservator of the estate or of the person and estate of a conservatee any or all of the following additional powers, which may be exercised with or without notice, hearings, confirmation, or approval of the court and which may be exercised without regard to whether or not other requirements of this code shall have been complied with, except such requirements as shall have been specifically and expressly provided, whether directly or by reference, in the order granting such additional powers:

To institute and maintain all actions and other proceedings for the benefit of and to defend all actions and other proceedings against the conservatee or the conservatorship estate; to take, collect and hold the property of the conservatee; to contract for the conservatorship and to perform outstanding contracts and thereby bind the conservatorship estate; to operate at the risk of the estate any business, farm or enterprise constituting an asset of the conservatorship, to grant and take options; to sell at public or private sale; to create by grant or otherwise easements and servitudes; to borrow money and give security for the repayment thereof; to purchase real or personal property; to alter, improve and repair or raze, replace and rebuild conservatorship property; to let or lease property for any purpose including exploration for and removal of gas, oil and other minerals and natural resources and for any period, including a term commencing at a future time; to loan money on adequate security; to exchange conservatorship property; to sell on credit provided that any unpaid portion of the selling price shall be adequately secured; to vote in person or by proxy all shares and securities held by the conservator; to exercise stock rights and stock options; to participate in and become subject and to consent to the provisions of any voting trust and of any reorganization, consolidation, merger, dissolution, liquidation or other modification or adjustment affecting conservatorship property; to effect necessary insurance for the proper protection of the estate, to pay, collect, compromise, arbitrate or otherwise adjust any and all claims, debts or demands upon the conservatorship, including those for taxes; to abandon valueless property, and to employ attorneys, accountants, investment counsel, agents, depositaries and employees and to pay the expense therefor from the conservatorship estate.

Said additional powers shall be in addition to the general powers of conservators. The granting of said additional powers shall be discretionary with the court. Notice of the hearing of the application therefor, except when the application is included in a petition filed pursuant to Section 1754 of this code, shall be given in the manner provided in Section 1200 of this code and whenever any conservatee is or has been during the

conservatorship confined in a state hospital in this state, such notice also shall be given by the conservator to the Director of Mental Hygiene at his office in Sacramento. When additional powers are granted to a conservator, his letters shall state that he has the powers authorized in this section. If such additional powers are granted by a subsequent order, new letters shall be issued and shall state that he has such power or powers as have been granted. The grant of additional powers to the conservator shall not affect the right of the conservator to petition the court as provided in Section 1860.

CHAPTER 553

An act to amend Section 3234 of the Public Resources Code, relating to oil and gas.

[Approved by Governor July 18, 1969. Filed with Secretary of State July 18, 1969.]

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

SECTION 1. Section 3234 of the Public Resources Code is amended to read:

3234. The records of any operator, when filed with the district deputy, as provided in this chapter, shall be open to inspection to those authorized in writing by such operators, to the state officers, and to the district board of oil and gas commissioners. Production reports filed pursuant to Section 3227 shall be open to inspection to the State Board of Equalization or its duly appointed representatives when making a survey pursuant to Section 1815 of the Revenue and Taxation Code or when valuing state-assessed property pursuant to Section 751 of the Revenue and Taxation Code and to the assessor of the county in which a well referred to in Section 3227 is located.

Such records shall in no case other than those expressly provided in this chapter, be available as evidence in court proceedings. No officer or employee or member of any district board of commissioners shall be allowed to give testimony as to the contents of such records, except at such court proceedings as are provided in this chapter for the review of a decision of the supervisor or a district board of commissioners, or in any proceeding initiated for the enforcement of an order of the supervisor, or for the enforcement of a lien created by this chapter, or for the collection of an assessment levied pursuant to this chapter, or in criminal proceedings arising out of such records or the statements upon which they are based.

A copy of any document, order, requisition, or decision made, executed, or issued by the supervisor or the district deputy, when certified by the supervisor or the district deputy to be a true copy of the original, shall be received in evidence

in any proceeding herein provided, in like manner and with the same effect as the original.

The records of any operator who is defunct or no longer in business in California and which relate to an abandoned or deserted well shall be open to inspection or for copying by anyone after the supervisor determines that the conditions specified are met.

The records of any operator filed for a completed or producing well that has been transferred by sale, lease, or otherwise shall be available to the new owner or lessee for his inspection or copying and shall also be available for inspection or copying by others upon the written authorization of such new owner or lessee.

CHAPTER 554

An act to add Section 1801.4 to the Civil Code, relating to retail installment sales.

[Approved by Governor July 18, 1969. Filed with Secretary of State July 18, 1969.]

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

SECTION 1. Section 1801.4 is added to the Civil Code, to read:

1801.4. The provisions of this chapter shall not apply to any contract or series of contracts providing for the construction, sale, or construction and sale of an entire residence or all or part of a structure designed for commercial or industrial occupancy, with or without a parcel of real property or an interest therein, or for the sale of a lot or parcel of real property, including any site preparation incidental to such sale.

SEC. 2. This act is intended to abrogate any contrary rule in Morgan v. Reasor Corp. (1968), 69 A.C. 919.

CHAPTER 555

An act making an appropriation to provide for small craft launching facilities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 18, 1969. Filed with Secretary of State July 18, 1969.]

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

SECTION 1. An amount equivalent to the unexpended balance as of June 30, 1969, of the appropriation made by Item 288 of the Budget Act of 1967, as extended by Section 10,

Budget Act of 1968, is appropriated from the Harbors and Watercraft Revolving Fund in the State Treasury and shall be available for the purposes provided in such item; and in addition, shall be available in the amount of one hundred sixty thousand dollars ($160,000) for a grant to the County of Butte for construction of a two-lane boat launching ramp, parking and sanitary facilities at Lime Saddle Area of Oroville Reservoir State Recreation Area.

SEC. 2. No funds may be granted pursuant to this act until an agreement with the Department of Parks and Recreation for operation, maintenance and development of the Lime Saddle Area of Oroville Reservoir State Recreation Area has been made.

SEC. 3. Funds shall be available for grant pursuant to this act until June 30, 1970.

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:

Recent heavy rains have filled Oroville Reservoir faster than anticipated, and early provision of proper launching facilities is necessary in order to protect the safety of persons and property in the use of this recreation area.

CHAPTER 556

An act to amend Section 11005.6 of the Revenue and Taxation Code, relating to county population.

[Approved by Governor July 18, 1969. Filed with Secretary of State July 18, 1969.]

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

SECTION 1. Section 11005.6 of the Revenue and Taxation Code is amended to read:

11005.6. Once each calendar year except the year of a federal decennial census, any county or city and county whose population has been increased substantially since the last federal census and which has held an enumeration within the five-year period preceding application under the supervision of either the federal Bureau of the Census or the Department of Finance may apply to the Department of Finance to estimate the increase in population. The department may make the estimate if in the opinion of the department there is available adequate information upon which to base the estimate. Upon completion of the estimate, the Department of Finance shall file a certified copy thereof with the department and the Controller.

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

If, in any year during which any county or city and county may apply to the Department of Finance to estimate the increase in population under this section, the total population of the cities within a county, as determined by actual census, exceeds the Department of Finance estimate of the population of the county, the total population of the cities shall be deemed the population of the county for purposes of this section, and upon receipt of satisfactory evidence of the population figures of said cities as determined by said census, the Department of Finance shall file a certified copy thereof with the department and the Controller.

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

CHAPTER 557

An act to amend Section 14800 of the Elections Code, relating to absent voter ballots.

[Approved by Governor July 18, 1969 Filed with Secretary of State July 18, 1969]

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

SECTION 1. Section 14800 of the Elections Code is amended to read:

14800. Any voter unable to go to the polls because of illness or disability resulting in his confinement in a hospital, sanatorium, nursing home, or place of residence may request in a written statement, signed by him, that the clerk send him an absent voter ballot. The clerk shall deliver the ballot, at the office of the clerk, to any authorized representative of the voter possessing a written statement from the voter's physician or practitioner or a written statement signed by an official of the hospital, sanatorium, or nursing home stating that the voter is a patient in a hospital, sanatorium, or nursing home, and that the voter will be confined therein on election day.

In the event the voter is confined in his place of residence on election day, such confinement must have occurred because of conditions arising after the closing day for absent voter ballot applications. Such voter may request in a written statement signed by him, that the clerk send him an absent voter ballot. The clerk shall deliver the ballot at the office of the clerk to any authorized representative of the voter possessing a written statement from the voter's physician or practitioner stating that the voter will be confined at his place of residence on election day.

After marking his ballot the voter shall place it in the identification envelope. He shall then fill out and sign the declaration on the envelope on or before election day and return it to the office of the clerk.

Upon receipt of the envelope the clerk shall compare the voter's signature on the identification envelope with that appearing on his duplicate affidavit of registration and, if they compare, shall deposit the envelope in a safe place in his office to be kept by him until the time prescribed for counting such ballot. Thereafter, the clerk shall count these ballots and add them to the totals for absent voter ballots.

A request for a ballot under this section shall be made, and the ballot delivered to the voter and returned to the clerk no later than the time the polls close on election day.

The procedure authorized by this section shall be subject to all other provisions of this code relating to absent voting insofar as those provisions are not inconsistent with the provisions of this section.

CHAPTER 558

An act to amend Sections 6501, 6502, 6503, 6504, 6505, 6506, 6507, 6508 11005, 11006, 11075, and 13288 of, to add Section 6501.1 to, and to amend the heading of Article 1 (commencing with Section 6500) of Chapter 7 of Division 6 of, the Education Code, relating to public schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 21, 1969. Filed with Secretary of State July 21, 1969.]

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

SECTION 1. The heading of Article 1 (commencing with Section 6500) of Chapter 7 of Division 6 of the Education Code is amended to read:

Article 1. Opportunity Schools, Classes, and Programs

SEC. 2. Section 6501 of the Education Code is amended to read:

6501. The assignment of any pupil to an opportunity school, class, or program shall be conducted with a view to the

improvement of the pupil and to his restoration, as soon as practicable, to the regular school and regular class in which he would, if not so assigned, be required to attend. The governing board of a school district maintaining an opportunity school may confer a diploma upon any pupil who has satisfactorily completed the prescribed course of study of the school district in an opportunity school maintained by the district.

SEC. 3. Section 6501.1 is added to the Education Code, to read:

6501.1. "Opportunity program" as used herein refers to a program which is in accordance with the purposes and provisions of this article and is established in any elementary or secondary school of a school district for less than the minimum day required of opportunity school or class pupils.

SEC. 4. Section 6502 of the Education Code is amended to read:

6502. The governing board of any school district may establish schools or may set apart public school buildings or may set apart in public school buildings a room or rooms for pupils in grades 1 through 12, inclusive, as described in Section 6500. The school building so established or set apart shall be known as an opportunity school and the room or rooms set apart in a public school building shall be known as opportunity class or classes or opportunity program room or rooms.

SEC. 5. Section 6503 of the Education Code is amended to read:

6503. Any governing board establishing and maintaining an opportunity school, class, or program may make such special rules and regulations for its government and administration as are consistent with the provisions and purposes of this article, and not contrary to law.

SEC. 6. Section 6504 of the Education Code is amended to read:

6504. An opportunity school may be established as an elementary or secondary school, and an opportunity class or program may be established in any elementary or secondary school of any school district.

SEC. 7. Section 6505 of the Education Code is amended to read:

6505. The opportunity school, class, or program shall be established and maintained specially for the instruction of such pupils in grades 1 through 12, inclusive, as are assigned thereto by the city superintendent of schools, or, if there is no city superintendent, the board of education of any city or city and county, or the county superintendent of schools as provided by this code.

SEC. 8. Section 6506 of the Education Code is amended to read:

6506. The governing board of any school district, or the district superintendent of schools, or any person designated by

the governing board in writing, may assign pupils to an opportunity school, class, or program in accordance with the provisions and purposes of this article.

SEC. 9. Section 6507 of the Education Code is amended to read:

6507. If any pupil assigned to an established opportunity school, class, or program is a habitual truant, or is irregular in attendance at such opportunity school, class, or program, or is insubordinate or disorderly during attendance at such opportunity school, class, or program, the supervisor of attendance or the secretary of the board of education or clerk of the board of trustees, if there is no supervisor of attendance, shall request a petition on his behalf in the juvenile court of the county. If the court upon hearing the case finds that the allegations are sustained by the evidence, the court, in addition to any other judgment it may make regarding the pupil, may render judgment that the parent, guardian, or person having the control or charge of the child shall deliver him at the beginning of each schoolday, for the remainder of the school term, to the opportunity school, class, or program designated by school authorities.

SEC. 10. Section 6508 of the Education Code is amended to read:

6508. The governing board of a school district or school districts, as the case may be, maintaining an opportunity school, class, or program may accept and expend grants from the federal government or from other public or private sources for the purposes of this article.

SEC. 11. 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, classes, or programs, 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.

SEC. 12. Section 11006 of the Education Code is amended to read:

11006. The minimum schoolday in grades 4, 5, 6, 7, and 8 in elementary schools and in special day and evening classes of an elementary school district, except in opportunity schools, classes, or programs, is 240 minutes.

SEC. 13. Section 11075 of the Education Code is amended to read:

11075. The minimum day in an opportunity school or opportunity class is 180 minutes A pupil may be enrolled in an opportunity program for not less than a class period of the school, nor more than 179 minutes per day. Attendance for a pupil enrolled in an opportunity program shall be credited to the regular class attendance.

A pupil who is enrolled in both an opportunity program and a regular school, shall attend school for a period of time not less than the minimum schoolday required for the grade level in which he is enrolled.

SEC. 14. Section 13288 of the Education Code is amended to read:

13288. Teachers in opportunity schools, classes, or programs shall have the same qualifications and shall be employed in the same manner as in other elementary and secondary schools of the school district in which the opportunity schools, classes, or programs are situated.

SEC. 15. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit the pupils who have completed the prescribed course of study of school district in an opportunity school to be awarded a diploma at the earliest possible date so as to encourage them to continue with their education, it is necessary that this act take effect immediately.

CHAPTER 559

An act to amend Sections 1352, 11751, and 11751.55 of, and to add Section 11751.25 to, the Insurance Code, relating to insurance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 21, 1969 Filed with Secretary of State July 21, 1969.]

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

SECTION 1. Section 1352 of the Insurance Code is amended to read:

1352. The commissioner shall require the payment of twenty-five dollars ($25) in advance as a fee for filing an application for each amendment of a certificate of authority. Notwithstanding the provisions of Section 1351, each attorney-in-fact possessing a certificate of authority of indefinite term pursuant to such section shall pay an annual fee of one hundred dollars ($100) in advance on account of such certificate until its final expiration. Such fee shall be for annual periods commencing on July 1st of each year and end on June 30th of each year and shall be due on each March 1st and shall be delinquent on and after each April 1st.

SEC. 2. Section 11751 of the Insurance Code is amended to read:

11751. On and after January 1, 1952, no rating organization shall conduct its operations in this state without first

having filed with the commissioner a written application for and securing a license to act as a rating organization. Any rating organization may make application for and obtain a license as a rating organization if it shall meet the requirements for license set forth in this article. The fee for filing an application for a license as a rating organization is one hundred dollars ($100) payable in advance to the commissioner. Every such rating organization shall file with its application:

a. A copy of its constitution, its articles of incorporation, agreement of association, and of its bylaws, rules and regulations governing the conduct of its business, all certified by the custodian of the originals thereof.

b. A list of its members who shall not number less than five insurers authorized to write and writing workmen's compensation insurance in this state and whose combined experience shall be determined by the commissioner to be reasonably adequate for ratemaking purposes.

c. The name and address of a resident of this state upon whom notices of the commissioner or process affecting such rating organization may be served.

d. A statement of its qualifications as a rating organization.

SEC. 3. Section 11751.25 is added to the Insurance Code, to read:

11751.25. Notwithstanding the provisions of Section 11751, each rating organization possessing a license of indefinite term pursuant to this article shall owe and pay to the commissioner an annual fee of one hundred dollars ($100) in advance on account of such license until its final termination. Such fee shall be for periods commencing on July 1, 1969, and on each July 1st thereafter, and ending on June 30, 1970, and each June 30th thereafter, and shall be due and payable on March 1, 1969, and on each March 1st thereafter, and shall be delinquent on April 1, 1969, and each April 1st thereafter.

SEC. 4. Section 11751.55 of the Insurance Code is amended to read:

11751.55. If an insurer, the State Compensation Insurance Fund, a rating organization, or an advisory organization requests an official action by the commissioner under Chapters 2 (commencing with Section 11630), 3 (commencing with Section 11690), or 4 (commencing with Section 11770) of this part which he can lawfully consummate only after a noticed public hearing required by law, the commissioner shall require the request to be in writing and require the payment of five hundred dollars ($500), in advance, as a fee for filing such request. Such fee shall be earned even if the request is denied or is granted in an altered form.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act increases certain fees, and imposes new fees, in order to provide additional revenue which is necessary for the 1969–1970 fiscal year. In order that such additional revenue will be made available before the commencement of the 1969–1970 fiscal year on July 1, 1969, it is imperative that this act take effect immediately.

CHAPTER 560

An act to add Section 9912.5 to the Business and Professions Code, relating to employment agencies.

[Approved by Governor July 21, 1969. Filed with Secretary of State July 21, 1969.]

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

SECTION 1. Section 9912.5 is added to the Business and Professions Code, to read:

9912.5. It is against the public policy of this state for any employer or for any group of employers to charge an applicant a fee for employment with such employer or with any employer who is a member of the group of employers.

CHAPTER 561

An act to amend Section 8101.5 of the Revenue and Taxation Code, relating to vehicle license fuel tax.

[Approved by Governor July 21, 1969. Filed with Secretary of State July 21, 1969.]

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

SECTION 1. Section 8101.5 of the Revenue and Taxation Code is amended to read:

8101.5. No refund of any tax shall be granted on motor vehicle fuel used in propelling an aircraft in the state, except the following refunds:

(a) Any tax on motor vehicle fuel used in propelling an aircraft engaged in the business of transporting persons or property for hire or compensation under a certificate of public convenience and necessity issued by the federal government or the California Public Utilities Commission.

(b) Any tax on motor vehicle fuel used in propelling an aircraft while engaged in aerial application of dust, spray, fertilizer, seed or other materials in connection with agricultural activities, if such aerial application is conducted from an airport, airstrip, heliport or pad which is not owned or operated by a public entity.

(c) Five cents ($0.05) of the tax upon each gallon of motor vehicle fuel used in propelling any aircraft, other than an aircraft referred to in subdivision (a) or (b) of this section.

(d) Any tax on motor vehicle fuel used in an aircraft engine incident to the business of construction or reconstructing by manufacture or assembly of completed aircraft or in the modification, overhaul, repair, maintenance or service of aircraft.

The Legislature hereby declares its intent that the motor vehicle fuel upon which the fuel tax is refunded in part shall be subject to the provisions of Section 6357 of this code with respect to collection of sales and use tax thereon to the same extent as if the entire amount of the fuel tax had been refunded.

CHAPTER 562

An act to add Section 14107 to the Welfare and Institutions Code, relating to medical assistance.

[Approved by Governor July 21, 1969 Filed with Secretary of State July 21, 1969]

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

SECTION 1. Section 14107 is added to the Welfare and Institutions Code, to read:

14107. Any person who, with intent to defraud, presents for allowance or payment any false or fraudulent claim for furnishing services or merchandise, knowingly submits false information for the purpose of obtaining greater compensation than that to which he is legally entitled for furnishing services or merchandise, or knowingly submits false information for the purpose of obtaining authorization for furnishing services or merchandise under this chapter is punishable by imprisonment in the county jail not longer than one year or in the state prison not exceeding five years, or by fine not exceeding five thousand dollars ($5,000), or by both such fine and imprisonment.

The enforcement remedies provided under this section are not exclusive and shall not preclude the use of any other criminal or civil remedy.

CHAPTER 563

An act to amend Section 1402 of the Probate Code, relating to guardians.

[Approved by Governor July 21, 1969 Filed with Secretary of State July 21, 1969.]

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

SECTION 1. Section 1402 of the Probate Code is amended to read:

1402. A parent may appoint a guardian by will or by deed for the property of any child of such parent, living or likely to be born, which such child may take from such parent by will or succession, and any person may in a will appoint a guardian for the property of any minor, living or likely to be born, which such minor may take from such person by such will.

CHAPTER 564

An act to amend Sections 1263, 1267, and 1301 of the Civil Code, relating to homesteads.

[Approved by Governor July 21, 1969 Filed with Secretary of State July 21, 1969.]

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

SECTION 1. Section 1263 of the Civil Code is amended to read:

1263. The declaration of homestead must contain:

1. A statement showing that the person making it is the head of a family, and if the claimant is married, the name of the spouse; or, when the declaration is made by the wife, showing that her husband has not made such declaration and that she therefore makes the declaration for their joint benefit;

2. A statement that the person making it is residing on the premises, and claims them as a homestead;

3. A description of the premises;

4. Such declaration of homestead may further contain a statement of the character of the property sought to be homesteaded, showing the improvement or improvements which have been affixed thereto, with sufficient detail to show that it is a proper subject of homestead, and that no former declaration has been made, or, if made, that it has been abandoned and if it contains such further statement and the declaration is supported by the affidavit of the declarant, annexed thereto, that the matters therein stated are true of his or her own knowledge, such declaration, when properly recorded, shall be prima facie evidence of the facts therein stated, and conclusive evidence thereof in favor of a purchaser or encumbrancer in good faith and for a valuable consideration.

SEC. 2. Section 1267 of the Civil Code is amended to read:

1267. The declaration must contain everything required by the second and third subdivisions of Section 1263, and in addition thereto may contain the statement and affidavit provided for by subdivision 4 of said section, with like effect as therein provided.

SEC. 3. Section 1301 of the Civil Code is amended to read:

1301. The declaration must contain:

(1) A statement that the declarant is a married person, and that there is in existence a decree of separate maintenance or

an interlocutory decree of divorce between declarant and his or her spouse.

(2) A statement showing that declarant is the head of a family, as defined in this chapter, if such is the case.

(3) The matters required by the second and third subdivisions of Section 1263, and in addition thereto may contain the statement and affidavit provided for by subdivision 4 of said section, with like effect as therein provided.

CHAPTER 565

An act to add Section 426 to the Revenue and Taxation Code, relating to assessing open-space lands.

[Approved by Governor July 21, 1969. Filed with Secretary of State July 21, 1969.]

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

SECTION 1. Section 426 is added to the Revenue and Taxation Code, to read:

426. Notwithstanding any provision of Section 423 to the contrary:

(a) If land is subject to an enforceable restriction, the board, for purposes of surveys required by Section 1815, and the county assessor, shall value such land as provided in subdivision (b) under any of the following conditions:

(1) Where the owner of land subject to contract or agreement has served notice of nonrenewal as provided in Section 51245 of the Government Code;

(2) Where the county or city has served notice of nonrenewal of any contract or agreement and the owner has failed to protest the nonrenewal as provided in Section 51245 of the Government Code;

(3) Where less than 10 years remain to the expiration of a scenic restriction and the owner has given notice of nonrenewal or has failed to take or offer to take any action or exercise any option available to him under its provisions or otherwise to extend the term of the scenic restriction;

(4) Where less than 10 years remain to the expiration of an open-space easement and the owner has failed to make and maintain an offer in writing to grant an extension of the term of the easement as provided in Section 51060 of the Government Code; or

(5) Where less than six years remain to the expiration of the enforceable restriction.

(b) Where any of the conditions in subdivision (a) apply, the board or assessor in each year until the termination of the enforceable restriction shall:

(1) Determine the full cash value of the land as if it were not subject to enforceable restriction;

(2) Determine the value of the land by capitalization of income as provided in Section 423 and without regard to the existence of any of the conditions in subdivision (a);

(3) Subtract the value determined in subdivision (b)(2) by capitalization of income from the full cash value determined in subdivision (b)(1);

(4) Using the rate announced by the board pursuant to subdivision (b)(1) of Section 423, discount the amount obtained in subdivision (b)(3) of this section for the number of years remaining until the termination of the enforceable restriction;

(5) Determine the value of the land by adding the value determined by capitalization of income as provided in subdivision (b)(2) and the value obtained in subdivision (b)(4); and

(6) Apply the ratio prescribed in Section 401 to the value of the land determined in subdivision (b)(5) to obtain its assessed value.

CHAPTER 566

An act to add Section 29430 to, and to repeal Sections 29430, 29431, 29432, and 29433 of the Government Code, relating to sheriff's special funds.

[Approved by Governor July 21, 1969. Filed with Secretary of State July 21, 1969.]

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

SECTION 1. Section 29430 of the Government Code is repealed.

SEC. 2. Section 29430 is added to the Government Code, to read:

29430. The county board of supervisors shall establish a sheriff's special appropriation in such amount as the board determines. In counties having a population of 500,000 or more, the board shall make available to the sheriff's special appropriation no less than five thousand dollars ($5,000).

SEC 3. Section 29431 of the Government Code is repealed.

SEC. 4. Section 29432 of the Government Code is repealed.

SEC. 5. Section 29433 of the Government Code is repealed.

CHAPTER 567

An act to amend Section 585 of, and to add Section 587 to, the Code of Civil Procedure, relating to judgments.

[Approved by Governor July 21, 1969 Filed with Secretary of State July 21, 1969.]

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

SECTION 1. Section 585 of the Code of Civil Procedure is amended to read:

585. Judgment may be had, if the defendant fails to answer the complaint, as follows:

1. In an action arising upon contract or judgment of a court of this state for the recovery of money or damages only, if the defendant has, or if more than one defendant, if any of the defendants have, been personally served and no answer or demurrer or notice of motion to strike (of the character hereinafter specified) or notice of motion to quash service of summons pursuant to Section 416 1 or notice of the filing of a petition for writ of mandate as provided in Section 416.3 has been filed with the clerk or judge of the court within the time specified in the summons, or such further time as may be allowed, the clerk, or the judge if there be no clerk, upon written application of the plaintiff, and proof of such service of summons, must enter the default of the defendant, or defendants, so served, and immediately thereafter enter judgment for the principal amount demanded in the complaint or a lesser amount if credit has been acknowledged, together with interest allowed by law or in accordance with the terms of the contract, and the costs against the defendant, or defendants, or against one or more of the defendants. If, by rule of court, a schedule of attorney fees to be allowed has been adopted, the clerk may include in the judgment an attorney fee in accordance with such schedule if the contract provides that an attorney fee be allowed in the event of an action thereon; provided, that plaintiff shall have the right, upon filing a written request at the time of application for entry of the default of the defendant or defendants, to have the attorney fee fixed by the court, whereupon, after the entry of the default, the court shall hear the application for determination of the attorney fee and render judgment for the same and for the other relief demanded in the complaint, or a lesser amount if credit has been acknowledged, and the costs against the defendant, or defendants, or against one or more of the defendants.

2 In other actions, if the defendant has been personally served and no answer or demurrer or notice of motion to strike (of the character hereinafter specified) or notice of motion to quash service of summons pursuant to Section 416 1 or notice of the filing of a petition for writ of mandate as provided in Section 416.3 has been filed with the clerk or judge of the court within the time specified in the summons, or such further time as may be allowed, the clerk, or the judge if there be no clerk, upon written application of the plaintiff, must enter the default of the defendant; and thereafter the plaintiff may apply to the court for the relief demanded in the complaint; the court must hear the evidence offered by the plaintiff, and must render judgment in his favor for such sum (not

exceeding the amount stated in the complaint), as appears by such evidence to be just. If the taking of an account, or the proof of any fact, is necessary to enable the court to give judgment or to carry the judgment into effect, the court may take the account or hear the proof, or may, in its discretion, order a reference for that purpose. And where the action is for the recovery of damages, in whole or in part, the court may order the damages to be assessed by a jury; or if, to determine the amount of damages, the examination of a long account is involved by a reference as above provided.

3. In all actions where the service of the summons was by publication the plaintiff, upon the expiration of the time for answering, may, upon proof of the publication, and that no answer or demurrer or notice of motion to strike (of the character hereinafter specified) or notice of motion to quash service of summons pursuant to Section 416.1 or notice of the filing of a petition for writ of mandate as provided in Section 416.3 has been filed, apply in writing for judgment; and the court must thereupon require proof to be made of the allegations of the complaint; and if the defendant is not a resident of the state, must require the plaintiff, or his agent, to be examined, on oath, respecting any payments that have been made to the plaintiff, or to anyone for his use, on account of any demand mentioned in the complaint, and may render judgment for the amount which he is entitled to recover; provided that, in all cases affecting the title to or possession of real property, where the service of the summons was by publication and the defendant has failed to answer, no judgment shall be rendered upon proof of mere occupancy, unless such occupancy shall have continued for the time and shall have been of the character necessary to confer title by prescription, and in all cases where the plaintiff bases his claim upon a paper title, the court shall require evidence establishing plaintiff's equitable right to judgment before rendering such judgment; provided further, however, that in actions involving merely the possession of real property where the complaint is verified and shows by proper allegations that no party to the action claims title to the real property involved, either by prescription, accession, transfer, will or succession but only the possession thereof, the court may render judgment upon proof of occupancy by plaintiff and ouster by defendant.

A notice of motion to strike within the meaning of this section is a notice of motion to strike the whole or any part of a pleading filed within the time within which the moving party is required otherwise to plead to the pleading. The notice of the motion to strike shall specify a hearing date not more than 15 days from the filing of the notice, plus any additional time that the moving party is otherwise required to give the adverse party. The filing of such notice of motion does not extend the time within which to demur.

4. In the cases referred to in subdivisions 2 and 3 of this section, excepting those cases which involve the dissolution or annulment of marriage or separate maintenance or the custody of children, or upon application to have an attorney's fee fixed by the court pursuant to subdivision 1 of this section, the court in its discretion may permit the use of affidavits, in lieu of personal testimony, as to all or any part of the evidence or proof required or permitted to be offered, received or heard in such cases. The facts stated in such affidavit or affidavits shall be within the personal knowledge of the affiant and shall be set forth with particularity, and each affidavit shall show affirmatively that the affiant, if sworn as a witness, can testify competently thereto.

SEC. 1.5. Section 585 of the Code of Civil Procedure is amended to read:

585. Judgment may be had, if the defendant fails to answer the complaint, as follows:

1. In an action arising upon contract or judgment of a court of this state for the recovery of money or damages only, if the defendant has, or if more than one defendant, if any of such defendants have, been personally served and no answer, demurrer, notice of motion to strike (of the character hereinafter specified), notice of motion to transfer pursuant to Section 396b, notice of motion to quash service of summons pursuant to Section 416.1, or notice of the filing of a petition for writ of mandate as provided in Section 416.3 has been filed with the clerk or judge of the court within the time specified in the summons, or such further time as may be allowed, the clerk, or the judge if there be no clerk, upon written application of the plaintiff, and proof of such service of summons, shall enter the default of the defendant or defendants, so served, and immediately thereafter enter judgment for the principal amount demanded in the complaint or a lesser amount if credit has been acknowledged, together with interest allowed by law or in accordance with the terms of the contract, and the costs against such defendant, or defendants, or against one or more of such defendants If, by rule of court, a schedule of attorney fees to be allowed has been adopted, the clerk may include in the judgment an attorney fee in accordance with such schedule if the contract provides that an attorney fee be allowed in the event of an action thereon; provided, that plaintiff shall have the right, upon filing a written request at the time of application for entry of the default of the defendant or defendants, to have the attorney fee fixed by the court, whereupon, after the entry of such default, the court shall hear the application for determination of the attorney fee and render judgment for the same and for the other relief demanded in the complaint, or a lesser amount if credit has been acknowledged, and the costs against such defendant, or defendants, or against one or more of such defendants.

2 In other actions, if the defendant has been personally served and no answer, demurrer, notice of motion to strike (of the character hereinafter specified), notice of motion to transfer pursuant to Section 396b, notice of motion to quash service of summons pursuant to Section 416.1, or notice of the filing of a petition for writ of mandate as provided in Section 416.3 has been filed with the clerk or judge of the court within the time specified in the summons, or such further time as may be allowed, the clerk, or the judge if there be no clerk, upon written application of the plaintiff, shall enter the default of the defendant; and thereafter the plaintiff may apply to the court for the relief demanded in the complaint; the court shall hear the evidence offered by the plaintiff, and shall render judgment in his favor for such sum (not exceeding the amount stated in the complaint), as appears by such evidence to be just. If the taking of an account, or the proof of any fact, is necessary to enable the court to give judgment or to carry the judgment into effect, the court may take the account or hear the proof, or may, in its discretion, order a reference for that purpose. And where the action is for the recovery of damages, in whole or in part, the court may order the damages to be assessed by a jury; or if, to determine the amount of damages, the examination of a long account is involved by a reference as above provided.

3. In all actions where the service of the summons was by publication the plaintiff, upon the expiration of the time for answering, may, upon proof of the publication, and that no answer, demurrer, notice of motion to strike (of the character hereinafter specified), notice of motion to transfer pursuant to Section 396b, notice of motion to quash service of summons pursuant to Section 416.1, or notice of the filing of a petition for writ of mandate as provided in Section 416.3 has been filed, apply in writing for judgment; and the court shall thereupon require proof to be made of the allegations of the complaint; and if the defendant is not a resident of the state, shall require the plaintiff, or his agent, to be examined, on oath, respecting any payments that have been made to the plaintiff, or to anyone for his use, on account of any demand mentioned in the complaint, and may render judgment for the amount which he is entitled to recover; provided that, in all cases affecting the title to or possession of real property, where the service of the summons was by publication and the defendant has failed to answer, no judgment shall be rendered upon proof of mere occupancy, unless such occupancy shall have continued for the time and shall have been of the character necessary to confer title by prescription, and in all cases where the plaintiff bases his claim upon a paper title, the court shall require evidence establishing plaintiff's equitable right to judgment before rendering such judgment; provided further, however, that in actions involving merely the possession of real property

where the complaint is verified and shows by proper allegations that no party to the action claims title to the real property involved, either by prescription, accession, transfer, will, or succession, but only the possession thereof, the court may render judgment upon proof of occupancy by plaintiff and ouster by defendant.

A notice of motion to strike within the meaning of this section is a notice of motion to strike the whole or any part of a pleading filed within the time within which the moving party is required otherwise to plead to such pleading. The notice of the motion to strike shall specify a hearing date not more than 15 days from the filing of such notice, plus any additional time that the moving party is otherwise required to give the adverse party. The filing of such notice of motion does not extend the time within which to demur.

4. In the cases referred to in subdivisions 2 and 3 of this section, excepting those cases which involve the dissolution or annulment of marriage or separate maintenance or the custody of children, or upon application to have an attorney's fee fixed by the court pursuant to subdivision 1 of this section, the court in its discretion may permit the use of affidavits, in lieu of personal testimony, as to all or any part of the evidence or proof required or permitted to be offered, received, or heard in such cases. The facts stated in such affidavit or affidavits shall be within the personal knowledge of the affiant and shall be set forth with particularity, and each affidavit shall show affirmatively that the affiant, if sworn as a witness, can testify competently thereto.

SEC. 2. Section 587 is added to the Code of Civil Procedure, to read:

587. An application by a plaintiff for entry of default under subdivision (1) or (2) of Section 585 or Section 586 or an application for judgment under subdivision (3) of Section 585 shall include an affidavit by the plaintiff or his attorney stating that a copy of such application has been mailed to the defendant's attorney of record, or if none, to the defendant at his last known address and the date on which such copy was mailed. If no such address of the defendant is known to the plaintiff or plaintiff's attorney the affidavit shall state such fact.

No application for judgment under the provisions of subdivision (3) of Section 585 shall be heard, and no default under the provisions of subdivision (1) or (2) of Section 585 or Section 586 shall be entered, unless such affidavit is filed. The nonreceipt of such notice shall not invalidate or constitute ground for setting aside any judgment.

SEC. 3. It is the intent of the Legislature, if amendments to Section 585 of the Code of Civil Procedure proposed by both this bill and S.B. 574 are enacted, that both amendments be given effect and incorporated in Section 585 in the form set forth in Section 1.5 of this act. Therefore, in the event S.B. 574

is enacted and amends Section 585. Section 1.5 of this act shall become operative at the same time that Section 585 as amended by S.B. 574 becomes operative, and at that time, Section 585 of the Code of Civil Procedure as amended by Section 1 of this act is repealed.

CHAPTER 568

An act to amend Sections 12020, 12091, 12101, 12103, and 12150.5 of the Health and Safety Code, relating to explosives.

[Approved by Governor July 21, 1969. Filed with Secretary of State July 21, 1969.]

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

SECTION 1. Section 12020 of the Health and Safety Code is amended to read:

12020. The chief, as defined in Section 12003, shall in his area of jurisdiction enforce the provisions of this part and the regulations adopted by the State Fire Marshal pursuant to this part.

The representatives of the California Highway Patrol, local police department, sheriff's department, and State Fire Marshal may enforce the provisions of this part.

SEC. 1.5. Section 12091 of the Health and Safety Code is amended to read:

12091. Blasting caps or similar primary explosive initiation devices shall not be transported upon any vehicle equipped with a radio transmitter or other device which may cause detonation of such primary initiators unless such blasting caps or similar primary explosive initiation devices have been tested and proved safe for transportation by laboratory approved by the State Fire Marshal and there is affixed to the shipping container of such devices a label which states all of the following:

(a) The type of primary explosive initiation devices in the container.

(b) That such devices have been tested and proved safe for transportation upon any vehicle equipped with a radio transmitter or other device which may cause detonation of such primary initiators by a laboratory approved by the State Fire Marshal.

SEC. 2. Section 12101 of the Health and Safety Code is amended to read:

12101. (a) No person shall do any one of the following without first having made application for and received a permit in accordance with the provisions of this section:

(1) Manufacture explosives.

(2) Receive, store, or possess explosives.

(3) Transport explosives.

(4) Use explosives.

(5) Operate a terminal for handling explosives.

(6) Park or leave standing any vehicle carrying explosives, except when parked or left standing in or at a safe stopping place designated as such by the State Fire Marshal under the provisions of Division 14 (commencing with Section 31600) of the Vehicle Code.

(b) Application for a permit shall be made to the appropriate chief in accordance with the provisions of Section 12103.

(c) A permit shall be obtained from the chief having the responsibility in the area where the activity, as specified in subdivision (a) of this section, is to be conducted.

Permits to receive and transport explosives to the site intended for use or storage may be obtained from the chief in the area in which explosives are received or sold.

When the site of intended use and storage is not within the jurisdiction of the chief issuing the permit to receive and transport explosives, a copy of the permit shall be sent immediately to the chief of the area of intended use and storage. In the event that the intended use and storage sites are in different jurisdictional areas, a copy of the permit shall be sent to the chief of each area.

(d) In the event any person desires to receive explosives for use in an area outside of this state, a permit to receive such explosives shall be obtained from the State Fire Marshal.

(e) A permit may include any restrictions or conditions which the chief finds necessary for the prevention of fire and explosion and the preservation of life safety.

(f) The performance of any act or acts authorized by the permit may be performed only as long as the permit issued remains valid.

(g) Any valid permit which authorizes the performance of any act shall not constitute authorization for the performance of any act not stipulated in the permit.

SEC. 3. Section 12103 of the Health and Safety Code is amended to read:

12103. Application for a permit, as required under Section 12101, shall be made by filing a statement on forms prescribed by the State Fire Marshal. Such statement shall contain, but shall not necessarily be limited to, the following:

(a) The name and address of the applicant.

(b) The name and address of the employee or authorized representatives designated by the applicant as being responsible for the use, handling, storage, possession, or transportation of explosives for the applicant.

(c) The place where, and the purpose for which, the explosives are intended to be used, handled, stored, or possessed.

(d) The type and amount of explosives for which application is made.

(e) The signature of the applicant.

(f) The number of times purchases may be made and the frequency of such purchases.

(g) The routes, highways, and stopping places intended to be utilized in transporting the explosives.

SEC. 4. Section 12150.5 of the Health and Safety Code is amended to read:

12150.5. Every person having any blasting caps (electric or nonelectric) in his possession or control shall keep the same securely deposited in a locked approved magazine, except when taken therefrom for actual use, transportation, or sale.

CHAPTER 569

An act to add Section 7392.3 to the Business and Professions Code, relating to cosmetology.

[Approved by Governor July 21, 1969. Filed with Secretary of State July 21, 1969.]

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

SECTION 1. Section 7392.3 is added to the Business and Professions Code, to read:

7392.3. If a school of cosmetology or electrology moves from existing approved premises to a new location without changing ownership, the licensee shall qualify such new premises only, as would a new licensee. Such licensee shall not have to qualify in any other manner enumerated in this chapter.

CHAPTER 570

An act to add Chapter 3 (commencing with Section 998) to Title 14 of Part 2 of the Code of Civil Procedure, relating to offers to settle civil cases.

[Approved by Governor July 21, 1969. Filed with Secretary of State July 21, 1969.]

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

SECTION 1. Chapter 3 (commencing with Section 998) is added to Title 14 of Part 2 of the Code of Civil Procedure, to read:

CHAPTER 3. OFFERS BY A PARTY TO COMPROMISE

998. Not less than 10 days prior to commencement of the trial as defined in subdivision 1 of Section 581, or at any settlement conference presided over by a judge of the court in which the action is pending, any party may serve an offer in writing to allow judgment to be taken in accordance with the terms and conditions stated at that time. If such offer is accepted, the judge shall enter judgment accordingly. If such offer is

not accepted prior to trial or within 30 days after it is made, whichever occurs first, it shall be deemed withdrawn, and cannot be given in evidence upon the trial. If the party to whom the offer of judgment is made fails to obtain a more favorable judgment, he cannot recover costs, and the court may order him to pay to the party who made the offer, not only that party's taxable costs incurred from the date of filing the complaint, but also a reasonable sum to cover costs of the services of expert witnesses who are not regular employees of any party actually incurred and reasonably necessary in the preparation of the case for trial by such prevailing party. Police officers shall be deemed to be expert witnesses for the purpose of this section. Any judgment entered pursuant to this section shall be deemed to be a compromise settlement.

The provisions of this chapter shall not apply to eminent domain actions.

CHAPTER 571

An act to amend Section 31401 of the Agricultural Code, relating to dog regulation violations.

[Approved by Governor July 21, 1969. Filed with Secretary of State July 21, 1969.]

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

SECTION 1. Section 31401 of the Agricultural Code is amended to read:

31401. Violation of any provision of this division is a misdemeanor punishable by a fine of not more than fifty dollars ($50) for the first offense, and for a second or subsequent offense a fine of not more than one hundred dollars ($100).

CHAPTER 572

An act to amend Section 217 of the Health and Safety Code, relating to firemen.

[Approved by Governor July 21, 1969. Filed with Secretary of State July 21, 1969.]

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

SECTION 1. Section 217 of the Health and Safety Code is amended to read:

217. All policemen, sheriffs, deputy sheriffs, members of the California Highway Patrol, and firemen in this state shall be trained to administer first aid. The training, which shall at least meet the standards of the standard American Red Cross training in first aid, shall be satisfactorily completed by such policemen, sheriffs, deputy sheriffs, members of the

California Highway Patrol, and firemen, as soon as practical, but in no event more than one year after the date of employment. Satisfactory completion of a refresher course approved by the State Department of Public Health in first aid every three years shall also be required.

Presently employed policemen, sheriffs, deputy sheriffs, members of the California Highway Patrol, and firemen shall satisfactorily complete first aid training by July 1, 1969.

This section shall not apply to policemen, sheriffs, deputy sheriffs, members of the California Highway Patrol, and firemen whose duties are primarily clerical or administrative.

As used in this section, "fireman" means any regularly employed and paid officer, employee, or member of a fire department or fire protection or firefighting agency of the State of California, a city, county, city and county, district, or other public or municipal corporation or political subdivision of this state or member of an emergency reserve unit of a volunteer fire department or fire protection district.

CHAPTER 573

An act to add Section 1426 to the Health and Safety Code, relating to emergency care in hospitals.

[Approved by Governor July 22, 1969 Filed with Secretary of State July 22, 1969]

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

SECTION 1. Section 1426 is added to the Health and Safety Code, to read:

1426. No act or omission of any rescue team established by any hospital licensed under this chapter, or operated by the federal or state government, a county, or by the Regents of the University of California, done or omitted while attempting to resuscitate any person who is in immediate danger of loss of life shall impose any liability upon the hospital, the officers, members of the staff, nurses, or employees of the hospital, including, but not limited to the members of the rescue team, or upon the federal or state government or a county, if good faith is exercised.

"Rescue team," as used in this section, means a special group of physicians and surgeons, nurses, and employees of a hospital who have been trained in cardiopulmonary resuscitation and have been designated by the hospital to attempt, in cases of emergency, to resuscitate persons who are in immediate danger of loss of life.

This section shall not relieve a hospital of any duty otherwise imposed by law upon the hospital for the designation and training of members of a rescue team or for the provision or maintenance of equipment to be used by a rescue team.

CHAPTER 574

An act to amend Section 3277 of the Fish and Game Code, relating to pheasants.

[Approved by Governor July 22, 1969. Filed with Secretary of State July 22, 1969.]

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

SECTION 1. Section 3277 of the Fish and Game Code is amended to read:

3277. The season during which shooting is to be permitted upon any licensed premises in Zone A shall be for a period of 100 consecutive days, beginning on the Saturday nearest the first day of November.

The total number of pheasants which may be taken on the premises shall not exceed 80 percent of the pheasants released during, and within 12 days prior to, the opening of, such season. No credit shall be given unless a license is in effect at the time the birds are released.

CHAPTER 575

An act to amend Section 1301 of the Education Code and to add Sections 10202.5 and 10219.2 to the Elections Code, relating to public offices.

[Approved by Governor July 22, 1969 Filed with Secretary of State July 22, 1969.]

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

SECTION 1. Section 1301 of the Education Code is amended to read:

1301. School district elections shall be governed by the Elections Code, except as otherwise provided in this code.

The ballot designation and ballot position of a candidate running for a school district office to which he was appointed shall be governed by the provisions of Sections 10202.5 and 10219.2 of the Elections Code.

SEC. 2. Section 10202.5 is added to the Elections Code, to read:

10202.5. If the office is an office of a district, as defined in subdivision (a) of Section 23503, including a school district office, and the incumbent is a candidate and is a person to whom the provisions of Section 10219.2 apply, the provisions of Section 10202 shall not apply.

SEC. 3. Section 10219.2 is added to the Elections Code, to read:

10219.2. A person who has been appointed to any elected district office, including any school district office, which has

become vacant prior to the next succeeding election in which the office is on the ballot, for any reason, shall not use "incumbent," a description of that office, or its title as a ballot designation but may use "appointed incumbent," if he is a candidate for election to the same office in the next succeeding election in which that office is on the ballot. The names of appointed incumbents shall appear on the ballot after the names of other incumbents and in alphabetical order. The provisions of this section shall not apply when the person is appointed to the office by the supervising authority as defined in subdivision (d) of Section 23505 and, immediately prior to his taking office pursuant to the appointment, that person was holding that office by virtue of having been elected to it.

CHAPTER 576

An act to amend Section 9751 of the Education Code, relating to textbooks.

[Approved by Governor July 22, 1969 Filed with Secretary of State July 22, 1969]

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

SECTION 1. Section 9751 of the Education Code is amended to read:

9751. The Superintendent of Public Instruction in accordance with rules and regulations of the State Board of Education may dispose of undistributed and surplus obsolete textbooks usable for educational purposes remaining in the state textbook warehouse after the expiration of the adoption period for such books in any of the following ways:

(a) By distribution to school districts and state institutions for use as supplementary books and reference books.

(b) By donation to the United States government or any agency thereof or to any agency of a foreign government.

(c) By donation to any territory or possession of the United States or the government of any country which formerly was a territory or possession of the United States.

(d) By donation to any student body organization in any California college or university approved by the State Board of Education whose objective is to distribute the books to any government or to the agency of any government outside of the United States and which agrees that no charge of any kind will be made to the government or governmental agency to which the books are distributed.

(e) By sale at a nominal price, for use outside of the United States, to any international civic or service club having one or more clubs in the State of California and which has been approved by the State Board of Education, provided

such civic or service club agrees to distribute such books for educational purposes and to make no charge of any kind to the persons to whom such organization gives or lends such books.

(f) By sale for a nominal price for use within the State of California to any organization which agrees to use such books for educational purposes and agrees also to make no charge of any kind to the persons to whom such organization gives or lends such books.

(g) By donation to any nonprofit charitable organization.

(h) By donation to children and other persons in the State of California or in a foreign country for the purpose of increasing the general literacy of the people.

CHAPTER 577

An act to amend Sections 44972, 44974, and 44975 of the Agricultural Code, relating to avocado packing.

[Approved by Governor July 22, 1969. Filed with Secretary of State July 22, 1969.]

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

SECTION 1. Section 44972 of the Agricultural Code is amended to read:

44972. Standard container number 9D, if packed to contain 41 or less of larger size avocados, shall contain a net weight of 12½ pounds. Standard container number 9D, if packed to contain 42 or more of smaller size avocados, shall contain 11 pounds net weight. Standard container number 9E, if packed to contain 83 or less of larger size avocados, shall contain a net weight of 25 pounds.

Standard container number 9E, if packed to contain 84 or more of smaller size avocados, shall contain a net weight of 22 pounds.

SEC. 2. Section 44974 of the Agricultural Code is amended to read:

44974. The net weight requirement specified in this chapter shall apply on the day when the avocados are first placed or packed in the standard container.

After the date of packing, a tolerance of not more than 8 percent from the specified weights shall be allowed.

SEC. 3. Section 44975 of the Agricultural Code is amended to read:

44975. In lots of 10 or less containers of avocados, the net weight of each container shall be determined by the average net weight of the lot. In lots which are composed of 11 containers or more, 10 containers selected at random shall comprise a sample for determining the average net weight of each container in the lot represented by the sample.

Only one variety and one count size in standard container number 9D or in standard container number 9E shall be included in determining the average net weight of a lot inspected.

CHAPTER 578

An act to add Section 681.10 to the Harbors and Navigation Code, relating to vessel registration agents.

[Approved by Governor July 22, 1969 Filed with Secretary of State July 22, 1969]

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

SECTION 1. Section 681.10 is added to the Harbors and Navigation Code, to read:

681.10. All money received by an agent from the sale of certificates of number or temporary certificates of number shall be kept separate and apart from any other funds of the agent, and shall at all times belong to the state.

In case of an assignment for the benefit of creditors, receivership, or bankruptcy, the state shall have a preferred claim against the agent, receiver, or trustee for all moneys owing the state for the sale of certificates as provided in this code, and shall not be estopped from asserting such claim by reason of the commingling of funds or otherwise.

CHAPTER 579

An act to amend Section 11580.2 of the Insurance Code, relating to uninsured motorists.

[Approved by Governor July 22, 1969 Filed with Secretary of State July 22, 1969]

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

SECTION 1. Section 11580.2 of the Insurance Code is amended to read:

11580.2. (a) No policy of bodily injury liability insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle, shall be issued or delivered in this state to the owner or operator of a motor vehicle, or shall be issued or delivered by any insurer licensed in this state upon any motor vehicle then principally used or principally garaged in this state, unless the policy contains, or has added to it by endorsement, a provision with coverage limits at least equal to the financial responsibility requirements specified in Section 16059 of the Vehicle Code insuring the insured, his heirs or his legal representative for all sums within such limits which he or they, as the case may be, shall be legally entitled to re-

cover as damages for bodily injury or wrongful death from the owner or operator of an uninsured motor vehicle. The insurer and any named insured may by agreement in writing delete the provision covering damage caused by an uninsured motor vehicle. Such deletion by any named insured shall be binding upon every insured to whom such policy or endorsement provisions apply. A policy shall be excluded from the application of this section if the only coverage with respect to the use of any motor vehicle is limited to the contingent liability arising out of the use of nonowned motor vehicles.

(b) As used in (a) above, "bodily injury" includes sickness or disease, including death, resulting therefrom; the term "named insured" means only the individual or organization named in the declarations of the policy of motor vehicle bodily injury liability insurance referred to in (a) above; as used in (a) above the term "insured" means the named insured and the spouse of the named insured and relatives of either while residents of the same household while occupants of a motor vehicle or otherwise, heirs and any other person while in or upon or entering into or alighting from an insured motor vehicle and any person with respect to damages he is entitled to recover for care or loss of services because of bodily injury to which the policy provisions or endorsement apply; the term "insured motor vehicle" means the motor vehicle described in the underlying insurance policy of which the uninsured motorist endorsement or coverage is a part, a temporary substitute or a newly acquired automobile for which liability coverage is provided in the policy if the motor vehicle is used by the named insured or with his permission or consent, express or implied, and any other automobile not owned by the named insured or any resident of the same household while being operated by the named insured or his spouse if a resident of the same household, but the term "insured motor vehicle" shall not include any automobile while used as a public or livery conveyance. The term "uninsured motor vehicle" means a motor vehicle with respect to the ownership, maintenance or use of which there is no bodily injury liability insurance or bond applicable at the time of the accident, or there is such applicable insurance or bond but the company writing the same denies coverage thereunder or refuses to admit coverage thereunder except conditionally or with reservation, or a motor vehicle used without the permission of the owner thereof if there is no bodily injury liability insurance or bond applicable at the time of the accident with respect to the owner or operator thereof, or the owner or operator thereof be unknown, provided that, with respect to an "uninsured motor vehicle" whose owner or operator is unknown:

(1) The bodily injury has arisen out of physical contact of such automobile with the insured or with an automobile which the insured is occupying.

(2) The insured or someone on his behalf shall have reported the accident within 24 hours to the police department of the city where the accident occurred or, if the accident occurred in unincorporated territory then either to the sheriff of the county where the accident occurred or the local headquarters of the California Highway Patrol, and have filed with the insurer within 30 days thereafter a statement under oath that the insured or his legal representative has or the insured's heirs have a cause of action arising out of such accident for damages against a person or persons whose identity is unascertainable and set forth facts in support thereof. The term "uninsured motor vehicle" shall not include an automobile owned by the named insured or any resident of the same household or self-insured within the meaning of the safety responsibility law of the state in which the motor vehicle is registered or which is owned by the United States of America, Canada, a state or political subdivision of any such government or an agency of any of the foregoing, or a land motor vehicle or trailer operated on rails or crawlertreads or while located for use as a residence or premises and not as a vehicle, or a farm-type tractor or equipment designed for use principally off public roads, except while actually upon public roads.

The term "uninsured motor vehicle" also means an insured motor vehicle where the liability insurer thereof is unable to make payment with respect to the legal liability of its insured within the limits specified therein because of insolvency. An insurer's solvency protection shall be applicable only to accidents occurring during a policy period in which its insured's motor vehicle coverage is in effect where the liability insurer of the tort-feasor becomes insolvent within one year of such accident. In the event of payment to any person under the coverage required by this section and subject to the terms and conditions of such coverage, the insurer making such payment, shall to the extent thereof, be entitled to any proceeds which may be recoverable from the assets of the insolvent insurer through any settlement or judgment of such person against the insolvent insurer.

(c) The insurance coverage provided for in this section does not apply:

(1) To property damage sustained by the insured.

(2) To bodily injury of the insured while in or upon or while entering into or alighting from an automobile other than the described automobile if the owner thereof has insurance similar to that provided in this section.

(3) To bodily injury of the insured with respect to which the insured or his representative shall, without the written consent of the insurer, make any settlement with or prosecute to judgment any action against any person who may be legally liable therefor.

(4) In any instance where it would inure directly or indirectly to the benefit of any workmen's compensation carrier

or to any person qualified as a self-insurer under any workmen's compensation law.

(5) To establish an exemption as provided in subdivisions (a), (b), and (c) of Section 16057 of the Vehicle Code.

(6) To bodily injury of the insured while occupying a motor vehicle owned by an insured, unless the occupied vehicle is an insured motor vehicle.

(7) To bodily injury of the insured when struck by a vehicle owned by an insured.

(d) Subject to paragraph (c)(2), the policy or endorsement may provide that if the insured has insurance available to him under more than one uninsured motorist coverage provision, any damages shall not be deemed to exceed the higher of the applicable limits of the respective coverages, and such damages shall be prorated between the applicable coverages as the limits of each coverage bears to the total of such limits

(e) The policy or an endorsement added thereto shall provide that the determination as to whether the insured shall be legally entitled to recover damages, and if so entitled, the amount thereof, shall be made by agreement between the insured and the insurer or, in the event of disagreement, by arbitration. The arbitration shall be conducted by a single neutral arbitrator. An award or a judgment confirming an award shall not be conclusive on any party in any action or proceeding between (i) the insured, his insurer, his legal representative, or his heirs and (ii) the uninsured motorist to recover damages arising out of the accident upon which the award is based. The provisions of Article 3 (commencing with Section 2016) of Chapter 3 of Title 3 of Part 4 of the Code of Civil Procedure shall be applicable to such determinations, and all rights, remedies, obligations, liabilities and procedures set forth in said Article 3 shall be available to both the insured and the insurer at any time after the accident, both before and after the commencement of arbitration, if any, with the following limitations:

(1) Whenever in said Article 3, reference is made to the court in which the action is pending, or provision is made for application to the court or obtaining leave of court or approval by the court, the court which shall have jurisdiction for the purposes of this section shall be the Superior Court of the State of California, in and for any county which is a proper county for the filing of a suit for bodily injury arising out of the accident, against the uninsured motorist, or any county specified in the policy or an endorsement added thereto as a proper county for arbitration or action thereon.

(2) Any such proper court to which application is first made by either the insured or the insurer under the provisions of said Article 3 for any discovery or other relief or remedy, shall thereafter be the only court to which either of the parties shall make any applications under said Article 3 with respect to the same accident, subject, however, to the right of

such court to grant a change of venue after a hearing upon notice, upon any of the grounds upon which change of venue might be granted in an action filed in the superior court.

(3) A deposition pursuant to the provisions of Section 2016 of the Code of Civil Procedure may be taken without leave of court, except that leave of court, granted with or without notice and for good cause shown, must be obtained if the notice of the taking of the deposition is served by either party within 20 days after the accident.

(4) The provisions of subparagraph (a)(4) of Section 2019 of the Code of Civil Procedure shall not be applicable to discovery under this section.

(5) For the purposes of discovery under this section, the insured and the insurer shall each be deemed to be "a party to the record of any civil action or proceedings," where that phrase is used in subparagraph (b)(2) of Section 2019 of the Code of Civil Procedure.

(6) Interrogatories under the provisions of Section 2030 of the Code of Civil Procedure and requests for admission under Section 2033 may be served by either the insured or the insurer upon the other at any time more than 20 days after the accident without leave of court.

(7) Nothing in this section shall be construed to limit the rights of any party to discovery in any action pending or which may hereafter be pending in any court.

(f) The insurer paying a claim under an uninsured motorist endorsement or coverage shall be entitled to be subrogated to the rights of the insured to whom such claim was paid against any person causing such injury or death to the extent that payment was made. Such action may be brought within three years from the date that payment was made hereunder.

(g) An insured entitled to recovery under the uninsured motorist endorsement or coverage shall be reimbursed within the conditions stated herein without being required to sign any release or waiver or rights to which he may be entitled under any other insurance coverage applicable; nor shall payment under this section to such insured be delayed or made contingent upon the decisions as to liability or distribution of loss costs under other bodily injury liability insurance or any bond applicable to the accident. Any loss payable under the terms of the uninsured motorist endorsement or coverage to or for any person may be reduced:

(1) By the amount paid and the present value of all amounts payable to him under any workmen's compensation law exclusive of nonoccupational disability benefits.

(2) By the amounts paid or due to be paid under any valid and collectible automobile medical payment insurance available to the insured.

(3) By the amount the insured is entitled to recover from any other person insured under the underlying liability insurance policy of which the uninsured motorist endorsement or coverage is a part.

(h) No cause of action shall accrue to the insured under any policy or endorsement provision issued pursuant to this section unless within one year from the date of the accident:

(1) Suit for bodily injury has been filed against the uninsured motorist, in a court of competent jurisdiction, or

(2) Agreement as to the amount due under the policy has been concluded, or

(3) The insured has formally instituted arbitration proceedings.

CHAPTER 580

An act to amend Section 2807 of the Vehicle Code, relating to vehicles.

[Approved by Governor July 22, 1969 Filed with Secretary of State July 22, 1969.]

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

SECTION 1. Section 2807 of the Vehicle Code is amended to read:

2807. (a) The California Highway Patrol shall inspect every schoolbus at least once each school year to ascertain whether its construction, design, equipment, and color comply with all provisions of law.

(b) No person shall drive any schoolbus unless there is displayed therein a certificate issued by the California Highway Patrol stating that on a certain date, which shall be within 13 months of the date of operation, an authorized employee of the California Highway Patrol inspected the bus and found that on the date of inspection the bus complied with the applicable provisions of state law relating to construction, design, equipment, and color. The Commissioner of the California Highway Patrol shall provide by rule or regulation for the issuance and display of distinctive inspection certificates.

CHAPTER 581

An act to amend Section 8800 of the Financial Code, relating to savings and loan associations.

[Approved by Governor July 22, 1969 Filed with Secretary of State July 22, 1969.]

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

SECTION 1. Section 8800 of the Financial Code is amended to read:

8800. The commissioner at least once every two years, shall visit and examine into the affairs of every domestic association and of every foreign association doing business in this state.

CHAPTER 582

An act relating to property tax disaster relief.

[Approved by Governor July 22, 1969. Filed with Secretary of State July 22, 1969.]

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

SECTION 1. Notwithstanding anything in the Revenue and Taxation 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 August 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 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 pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of Division 1 of the Revenue and Taxation Code, as an erroneously collected tax.

This section applies to all counties, whether operating under a charter or under the general laws of this state.

CHAPTER 583

An act to add Title 1 (commencing with Section 1725) to Part 4, Division 3, of the Civil Code, relating to swimming pool construction.

[Approved by Governor July 24, 1969. Filed with Secretary of State July 24, 1969.]

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

SECTION 1. Title 1 (commencing with Section 1725) is added to Part 4 of Division 3 of the Civil Code, to read:

TITLE 1. CONTRACTS FOR SWIMMING POOL CONSTRUCTION

1725. (a) The Legislature finds that a need exists for a more complete understanding between customers and contractors engaged in the swimming pool construction business regarding the content and conditions of transactions for swimming pool construction; that many misunderstandings have arisen because of the lack of a standard body of requirements relating to such transactions, and that certain sales and business practices, and construction practices, have worked financial hardship upon the people of this state; that the swimming pool construction business has a significant impact on the economy and well-being of this state, its communities, and its individual citizens; that the problems which have arisen relative to the swimming pool construction business are peculiar to that business; and that the provisions of this title relating to the swimming pool construction business are necessary for the public welfare.

(b) The Legislature declares that the purpose of this title is to create an area of understanding and to establish standards which will safeguard the people against imposition and financial hardship, and encourage competition, fair dealing, and prosperity in the swimming pool construction business.

1726. As used in this title, "swimming pool contractor" includes any person, firm, association, organization, partnership, business trust, corporation, or company who or which undertakes to, offers to undertake to, purports to have the capacity to undertake to, submits a bid to, or does itself, or by or through others, construct any swimming pool.

1727. Every contract for the construction of a swimming pool which is entered into on or after the effective date of this title shall be in writing and shall be subject to the provisions of this title.

1728. Every contract for the construction of a swimming pool shall set out a date certain on which all construction is to be completed.

1729. Every contract for the construction of a swimming pool shall contain a plan and a scale drawing showing shape, size, pool dimensions, and construction and equipment specifications for the pool as approved by the person contracting for construction, shall particularly describe the work to be done, and shall provide that no additional work shall be done without prior written authorization of the person contracting for the construction of the pool. Any such authorization shall be on a contract change-order form showing the agreed terms and reasons for such changes, and shall be approved by both parties. Any such change-order forms shall be incorporated in, and become a part of, the contract.

1730. Every contract for the construction of a swimming pool shall contain the name of the contractor, his license number, and classification.

1731. At the time a contract for the construction of a swimming pool is signed by the parties, the swimming pool contractor shall deliver a legible copy of such contract to the person contracting for construction of the swimming pool.

1732. In any action between a person contracting for construction of a swimming pool and a swimming pool contractor, arising out of a contract for swimming pool construction, the court shall award a reasonable attorney fee to the prevailing party.

1733 The provisions of this title shall not apply to contracts for the construction of swimming pools to be built for the use and enjoyment of other than a single-family unit upon or contiguous to premises occupied only by a single-family unit, nor shall they apply to the construction of swimming pools built as part of an original building plan by the same contractor who builds a single-family dwelling unit on the premises.

1734. The provisions of this title are not exclusive and do not relieve the parties or the contracts subject thereto from compliance with all other applicable provisions of law.

1735. Any contract for the construction of a swimming pool which does not comply with the applicable provisions of this title shall be void and unenforceable as contrary to public policy.

1736. If any provision of this title or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the title which can be given effect without the invalid provision or application, and to this end the provisions of this title are severable.

SEC. 2. This act shall not affect the validity of any agreement made prior to the effective date of the act.

CHAPTER 584

An act to add Section 2801.15 to the Unemployment Insurance Code, relating to disability compensation.

[Approved by Governor July 24, 1969. Filed with Secretary of State July 24, 1969.]

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

SECTION 1. Section 2801.15 is added to the Unemployment Insurance Code, to read:

2801.15. A hospital in which an individual, eligible for benefits under this part, is hospitalized shall, within 10 days of the first day of the individual's confinement in the hospital, notify the individual of his right to receive the additional benefits provided for by Section 2801 and shall supply him with the necessary forms to make application for those benefits. Failure of the hospital to notify the individual of the additional benefits provided for by Section 2801 or to provide the necessary forms to make application for those benefits shall constitute good cause for the late filing of a claim.

SEC. 2. This act shall be operative with respect to periods of disability commencing on and after the effective date of this act.

CHAPTER 585

An act to amend Section 1830 of the Welfare and Institutions Code, relating to the Youth Authority.

[Approved by Governor July 24, 1969. Filed with Secretary of State July 24, 1969.]

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

SECTION 1. Section 1830 of the Welfare and Institutions Code is amended to read:

1830. The Director of the Youth Authority may, with approval of the Youth Authority Board, participate in a local work furlough program established pursuant to subdivision (a) of Section 1208 of the Penal Code, or conduct or discontinue a work furlough rehabilitation program, in accordance with the provisions of this article, for appropriate classes of wards at one or more Youth Authority institutions. He may designate any officer or employee of the department to be the Youth Authority work furlough administrator and may assign personnel to assist the administrator.

CHAPTER 586

An act to amend Section 9 of the Riverside County Flood Control and Water Conservation District Act (Chapter 1122 of the Statutes of 1945), relating to the Riverside County Flood Control and Water Conservation District.

[Approved by Governor July 24, 1969. Filed with Secretary of State July 24, 1969.]

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

SECTION 1. Section 9 of the Riverside County Flood Control and Water Conservation District Act (Chapter 1122 of the Statutes of 1945) is amended to read:

Sec. 9. The objects and purposes of this act are to provide for the control of the flood and storm waters of said district and the flood and storm waters of streams that have their source outside of said district, but which streams and the said waters thereof flow into said district, and to conserve such waters for beneficial and useful purposes by retarding, spreading, storing, retaining and causing to percolate into the soil within said district, or without said district, such waters, or to save or conserve in any manner all or any of such waters and protect from such flood or storm waters, the watercourses, watersheds, public highways, life and property in said district, and to prevent waste of water or diminution of the water supply in, or unlawful exportation of water from said district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district.

Riverside County Flood Control and Water Conservation District is hereby declared to be a body corporate and politic and as such shall have power:

1. To have perpetual succession.

2. To adopt a seal and alter it at pleasure.

3. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

4. To acquire, by purchase, lease, construction or otherwise, or contract to acquire, lands, rights-of-way, easements, privileges and property of any kind, whether real, personal or mixed, and to construct, maintain and operate any and all works or improvements within or without the district necessary, convenient or proper to carry out any of the objects or purposes of this act, and to complete, extend, add to, repair or otherwise improve any works or improvements or property acquired by it as authorized by this act; to indemnify or compensate any owner of land or other property for any injury or damage caused by the exercise of the powers conferred by this act.

5. To take by grant, purchase, gift, devise or lease, or otherwise, to hold, use, enjoy and to lease or dispose of real, per-

sonal or mixed property of every kind within or without the district necessary or convenient to the full exercise of its powers, and to lease its property to public agencies, or to grant any interest therein to public agencies, which lease or grant does not interfere with the use of the property for the purposes of the district.

6. To incur indebtedness, and to issue bonds in the manner herein provided.

7. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or a zone or zones thereof; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside the district, same for any useful purpose to the district; to commence, maintain, intervene in and compromise, in the name of the district, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of water or water rights within the district used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings hereafter begun; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in the district; provided, however, that the said district shall not have the power to intervene or take part in, or to pay the costs or expenses of actions or controversies between the owners of lands or water rights within the boundaries of the district and which do not involve taking water outside or away from the district.

8. To control the flood and storm waters of said district and the flood and storm waters of streams that have their source outside of said district, but which streams and the floodwaters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes within said district by retarding, spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save and conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district; provided, that water rights now existing be not thereby infringed upon.

9. To have and exercise the right of eminent domain, either within or without said district, and in the manner provided by law for the condemnation of private property for public use,

to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to the same use by any district or other public corporation or agency or otherwise, and to condemn, any existing works or improvements in said district now or hereafter used to control flood or storm waters or to conserve such flood or storm waters or to protect any property in said district from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights of way, easements, or materials which may be condemned, taken or appropriated under the provisions of this act, is a public use subject to the regulation and control of the state in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, from its channel, to the injury or detriment of any person, or persons, having any interest in such river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein, unless compensation be first ascertained and paid therefor, under the laws of this state authorizing the taking of private property for public use; and provided further, that no right shall exist in behalf of said district to take by condemnation any property, including water rights, that is now devoted to beneficial use in Orange County; nor to take by condemnation any water rights or property necessary for exercising said water rights that are now devoted to beneficial use, or are now in the process of being devoted to beneficial use in Orange County, within an area along and adjacent to the trunk channel of the Santa Ana River extending from the easterly boundary of Orange County to the Jurupa Narrows and lying between the bluffs on either side of said river, but excluding therefrom any part of the Corona underground water basin as said basin is defined in that certain action in the Superior Court of the State of California, in and for the County of Riverside, numbered 22046, and entitled the Corona Foothill Lemon Company, a corporation, et al. vs. Charles E. Lillibridge, et al.

The power of eminent domain vested in the board of supervisors of said district shall include the power to condemn in the name of the district with the fee simple or any lesser estate or interest in any real property which said board by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima facie evidence that the taking of the fee simple or any lesser estate or interest in such property, as the case may be, is necessary; provided, however, that when the board of supervisors shall, by resolution or ordinance, adopted by vote of two-thirds of all its members, have found and determined that the public interest and necessity require the acquisition, construction or completion by said district of any public improvement for flood control purposes and that the property described in such resolution

or ordinance is necessary therefor, such resolution or ordinance shall be conclusive evidence (a) of the public necessity of such proposed public improvement, (b) that such property is necessary therefor, and (c) that such proposed public improvement is planned or located in the manner which will be most compatible with the greatest public good, and the least private injury. Whenever real property which is devoted to or held for some other public or quasi-public use is required by the district for flood control or water conservation purposes, the district may condemn real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property required by the district as aforesaid for flood control or water conservation purposes.

10. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines of channels, conduits, canals, pipelines, roadways and other rights of way; to acquire by purchase, lease, contract, condemnation, gift or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, whether in this or in another state, including works constructed and being constructed by private owners, lands for reservoirs, for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and hold the stock of corporations, domestic or foreign, owning water or water rights, canals, waterworks, powerplants, franchises, concessions or rights; to enter into and to do any and all acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Riverside County Flood Control and Water Conservation District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant any owner or lessee the right to the use of any water or the right to store such water in any reservoir of the district or to carry such water through any tunnels, canal, ditch or conduit of the district; to enter into and to do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired, or secured for the use of the Riverside County Flood Control and Water Conservation District, or for

the purpose of exchanging the same for other water, water right or water supply to be delivered to said district by the other party to said agreement; to cooperate with, and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for the controlling of flood or storm waters of said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any such works, acts, or purpose provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose as authorized herein.

11. To cause taxes and assessments to be levied and collected for the purpose of paying any obligation of the district and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to water supply, water rights, control of floods and use of water, both within and without said district, and for such purposes said district shall have the right of access through its authorized representatives to all properties within said district.

13. To carry on a program of artificial nucleation for the purpose of increasing and controlling rainfall within, or in the immediate vicinity of, any watershed located wholly or partially within the district.

The total amount of taxes levied for the purpose of carrying on any program under this subdivision shall not be in excess of five cents ($0.05) for each one hundred dollars ($100) of assessed valuation of the taxable property within the district, nor in any event shall the district spend more than a total of five thousand dollars ($5,000) annually for the purpose of carrying on any program under this subdivision.

The authority of the district to carry on any program under this subdivision shall terminate on October 1, 1957.

14. To make contracts and to employ labor and to do all acts necessary for the full exercise of all powers vested in said district, or any of the officers thereof by this act.

CHAPTER 587

An act to repeal Sections 6060.6 and 6060.7 of the Business and Professions Code, relating to admission to practice law.

[Approved by Governor July 24, 1969. Filed with Secretary of State July 24, 1969.]

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

SECTION 1. Section 6060.6 of the Business and Professions Code is repealed.

SEC. 2. Section 6060.7 of the Business and Professions Code is repealed.

CHAPTER 588

An act to amend Section 4532 of the Penal Code, relating to prisoners.

[Approved by Governor July 24, 1969. Filed with Secretary of State July 24, 1969.]

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 continuing in his regular educational program or authorized to secure employment or education 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 continuing in his regular educational program or authorized to secure employment or education 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 589

An act to add Section 26614.5 to the Government Code, relating to searches by counties.

[Approved by Governor July 24, 1969 Filed with Secretary of State July 24, 1969]

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

SECTION 1. Section 26614.5 is added to the Government Code, to read:

26614.5. The county or city and county of residence of a person searched for by the sheriff under the authority of Section 26614 shall pay to the county or city and county conducting such search, in any case where the expenses thereof exceed five hundred dollars ($500), two-thirds of the reasonable expenses in excess of five hundred dollars ($500) of such search within 30 days after the submission of a claim therefor by the county or city and county conducting the search and the county or city and county conducting the search shall bear the remaining expense.

CHAPTER 590

An act to amend Sections 883 and 1760.4 of the Welfare and Institutions Code, relating to juveniles.

[Approved by Governor July 24, 1969. Filed with Secretary of State July 24, 1969.]

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

SECTION 1. Section 883 of the Welfare and Institutions Code is amended to read:

883. The wards committed to such homes, ranches, camps, or forestry camps may be required to labor on the buildings and grounds thereof, on the making of forest roads for fire prevention or firefighting, on forestation or reforestation of public lands, or on the making of firetrails or firebreaks, or to perform any other work or engage in any studies or activities on or off of the grounds of such homes, ranches, camps, or forestry camps prescribed by the probation department, subject to such approval as the county board of supervisors by ordinance requires.

Such wards may not be required to labor in fire suppression when under the age of 16 years.

Wards between the ages of 16 years and 18 years may be required to labor in fire suppression if all of the following conditions are met:

(a) The parent or guardian of the ward has given permission for such labor by the ward.

(b) The ward has completed 80 hours of training in forest firefighting and fire safety, including, but not limited to, the handling of equipment and chemicals, survival techniques, and first aid.

Whenever any boy committed to such camp is engaged in fire prevention work or the suppression of existing fires, he shall be subject to workmen's compensation benefits to the same extent as a county employee, and the board of supervisors shall provide and cover any such boy committed to such camp while performing such service, with accident, death and compensation insurance as is otherwise regularly provided for employees of the county.

SEC. 2. Section 1760.4 of the Welfare and Institutions Code is amended to read:

1760.4. The boys housed in forestry camps established by the Department of the Youth Authority may be required to labor on the buildings and grounds of the camp, on the making of forest roads for fire prevention or firefighting, on forestation or reforestation of public lands, or on the making of firetrails and firebreaks, or to perform any other work or engage in any studies or activities prescribed or permitted by the department or any officer designated by it. Such boys may be required to labor in fire suppression if all of the following conditions are met:

(a) The boy is under the age of 18 years and the parent or guardian of the boy has given permission for such labor by the boy or the boy is 18 years of age or over.

(b) The boy has received not less than 16 hours of training in forest firefighting and fire safety.

The department may provide, in cooperation with the Department of Parks and Recreation and the Department of Conservation or otherwise, for the payment of wages to the boys for work they do while housed on such camps, the sums earned to be paid in reparation, or to the parents or dependents of the boy, or to the boy in such manner and in such proportions as the Department of the Youth Authority directs.

CHAPTER 591

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

[Approved by Governor July 24, 1969 Filed with Secretary of State July 24, 1969.]

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

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

25541.7. (a) The increases in the maximum rate of tax authorized by Section 25541.5 shall remain in effect until the end of the seventh consecutive fiscal year following the date of the first election at which the first district bond issue for junior college purposes is passed, in junior college districts in which such seventh consecutive year expires on July 1, 1971.

(b) The increases in the maximum rate of tax authorized by Section 25541.5 shall remain in effect until the end of the fifth consecutive fiscal year following the date of the first election at which the first district bond issue for junior college purposes is passed, in junior college districts in which such fifth consecutive fiscal year expires on July 1, 1971.

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

In order that the urgently needed extensions in the operative period of the increases in maximum junior college district tax rate afforded by this act will be in effect on or before the commencement of the 1969–1970 fiscal year, in order that district budgets and other fiscal proceedings may be prepared and conducted accordingly, it is essential that this act take effect immediately.

CHAPTER 592

An act to add Section 27288.1 to the Government Code, relating to recordation of documents.

[Approved by Governor July 25, 1969. Filed with Secretary of State July 25, 1969.]

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

SECTION 1. Section 27288.1 is added to the Government Code, to read:

27288.1. If the instrument is a release of any lien upon real or personal property, the county recorder shall not accept the instrument for record unless the release sets forth the name of the obligor or obligors whose obligation is the basis of the lien being released.

CHAPTER 593

An act to amend Section 194 of the Penal Code, relating to murder and manslaughter.

[Approved by Governor July 25, 1969. Filed with Secretary of State July 25, 1969.]

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

SECTION 1. Section 194 of the Penal Code is amended to read:

194. To make the killing either murder or manslaughter, it is requisite that the party die within three years and a day after the stroke received or the cause of death administered. In the computation of such time, the whole of the day on which the act was done shall be reckoned the first.

CHAPTER 594

An act to amend Section 37902 of the Government Code, relating to city public projects.

[Approved by Governor July 25, 1969. Filed with Secretary of State July 25, 1969.]

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

SECTION 1. Section 37902 of the Government Code is amended to read:

37902. When the expenditure required for a public project exceeds three thousand five hundred dollars ($3,500), it shall be contracted for and let to the lowest responsible bidder after notice.

CHAPTER 595

An act to amend Section 26726 of the Government Code, relating to sheriff's fees.

[Approved by Governor July 25, 1969. Filed with Secretary of State July 25, 1969.]

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

SECTION 1. Section 26726 of the Government Code is amended to read:

26726. The fee for keeping and caring for property under attachment, execution, or claim and delivery is not to exceed twenty-five dollars ($25) when necessarily employed for any eight (8) hour period or any part thereof. Should an additional keeper or keepers be required during such eight (8) hour period or fraction thereof, the fee for such additional keeper or keepers shall be the same as herein fixed, but, in no event shall any one keeper receive more than fifty dollars ($50) during any twenty-four (24) hour period when so employed.

CHAPTER 596

An act to amend Section 842 of, and to add Section 842.1 to, the Probate Code, relating to leasing of estate property.

[Approved by Governor July 25, 1969. Filed with Secretary of State July 25, 1969.]

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

SECTION 1. Section 842 of the Probate Code is amended to read:

842. At the time appointed, the court shall hear the petition and any objection thereto that may have been presented,

and shall entertain and consider any other offer made, in good faith, at the hearing, to lease the same property on more favorable terms; and, if the court is satisfied that it will be to the advantage of the estate, it shall make an order authorizing the executor or administrator to make such lease to the person and on the terms stated in the order; provided, however, that the court shall not make an order authorizing the executor or administrator to make such a lease to any person other than the lessee named in the petition, unless the offer made at the hearing is acceptable to the executor or administrator. The order shall set forth the minimum rental or royalty and the period of the lease which must not be longer than 10 years, except as otherwise herein provided with respect to a lease for the purpose of production of minerals, oil, gas and other hydrocarbon substances, and a lease for the growing of asparagus, and except as otherwise provided in Section 842.1. The court may authorize other terms and conditions, including, with respect to a lease for the purpose of production of minerals, oil, gas or other hydrocarbon substances, a provision for the payment of rental and royalty to a depositary, and for the appointment of a common agent to represent the interest of all the lessors, and, if the lease is for the purpose of production of oil, gas or other hydrocarbon substances, including a provision for the payment of a compensatory royalty in lieu of rental and in lieu of drilling and producing operations on the land covered by the lease, including provisions for pooling or unitization by the lessee, and including a provision empowering the lessee to enter into any agreement authorized by Section 3301 of the Public Resources Code with respect to land covered by the lease. If the lease covers additional property owned by other persons or an undivided interest of the decedent, or other interest of the decedent less than the entire ownership in the property, it may provide for division of rental and royalty in the proportion that the land or interest of each owner bears to the total area of the land or total interests covered by such lease. A lease for the purpose of production of minerals, oil, gas or other hydrocarbon substances may be for a fixed period, and so long thereafter as minerals, oil, gas or other hydrocarbon substances are produced in paying quantities from the property leased or mining or drilling operations are conducted thereon and, if the lease provides for the payment of a compensatory royalty, so long as such compensatory royalty is paid, and, if the land covered by the lease is included in an agreement authorized by Section 3301 of the Public Resources Code, so long as oil, gas or other hydrocarbon substances are produced in paying quantities from any of the lands included in any such agreement or drilling operations are conducted thereon. A certified copy of the order shall be recorded in the office of the recorder of every county in which the leased land or any portion thereof lies.

SEC. 2. Section 842.1 is added to the Probate Code, to read:

842.1. In addition to the cases provided in Section 842, the court may authorize the giving of a lease for longer than 10 years when the verified petition alleges facts showing the need for such longer lease and its advantage to the estate and the persons interested therein. The petitioner shall cause notice of such hearing to be mailed, at least 20 days before the hearing, to the persons named as legatees and devisees or, in an intestacy proceeding, to the persons named as heirs, whose names and addresses appear in the estate proceeding, and shall give such further notice, if any, as the court may direct, which notice shall be in addition to the notice required by Section 841. The court shall not make the order if any person interested in the estate objects at the hearing.

CHAPTER 597

An act to amend Sections 4806 and 4807 of the Penal Code, relating to reprieves and pardons.

[Approved by Governor July 25, 1969 Filed with Secretary of State July 25, 1969.]

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

SECTION 1. Section 4806 of the Penal Code is amended to read:

4806. The provisions of Section 4804 are not applicable:

1. When there is imminent danger of the death of the person convicted or imprisoned;

2. When the term of imprisonment of the applicant is within 10 days of its expiration.

SEC. 2. Section 4807 of the Penal Code is amended to read:

4807. The Governor must, at the beginning of every session, communicate to the Legislature in addition to each case of reprieve, or pardon, as provided in Article V, Section 8, of the Constitution of California, each commutation, stating the name of the person convicted, the crime of which he was convicted, the sentence and its date, the date of the commutation and the reason for granting the same.

CHAPTER 598

An act to add Sections 35251.5 and 35271.5 to the Government Code, relating to alteration of city boundaries.

[Approved by Governor July 25, 1969. Filed with Secretary of State July 25, 1969.]

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

SECTION 1. Section 35251.5 is added to the Government Code, to read:

35251.5. It shall not be necessary to obtain the approval of the boundary alteration by the legislative body of the city from which the territory would be excluded when the territory is:

(a) Within a single block,

(b) Zoned for single family residential use, and

(c) The boundary line between the two cities runs through each of the residences located upon the territory to be excluded.

If the boundary of two school districts is the same as that of the cities, the transfer made under this article pursuant to this section shall also change the boundary of the school districts so as to be identical with the new boundary of the cities.

SEC. 2. Section 35271.5 is added to the Government Code, to read:

35271.5. It shall not be necessary to obtain a resolution of consent to the transfer adopted by the legislative body of the city in which the territory is situated or the approval of such city under Section 35273 when the territory to be transferred is:

(a) Within a single block,

(b) Zoned for single family residential use, and

(c) The boundary line between the two cities runs through each of the residences located upon the territory to be excluded.

If the boundary of two school districts is the same as that of the cities, the transfer made under this article pursuant to this section shall also change the boundary of the school districts so as to be identical with the new boundary of the cities.

CHAPTER 599

An act to amend Section 204 of the Labor Code, relating to wages.

[Approved by Governor July 25, 1969. Filed with Secretary of State July 25, 1969.]

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

SECTION 1. Section 204 of the Labor Code is amended to read:

204. All wages, other than those mentioned in Section 201, 202 or 204.1, earned by any person in any employment are due and payable twice during each calendar month, on days designated in advance by the employer as the regular paydays. Labor performed between the first and 15th days, inclusive, of

any calendar month shall be paid for between the 16th and the 26th day of the month during which the labor was performed, and labor performed between the 16th and the last day, inclusive, of any calendar month, shall be paid for between the first and 10th day of the following month; provided, however, that wages of executive, administrative, and professional employees as defined in Section 13(a)(1) of the Fair Labor Standards Act, as amended through March 1, 1969, may be paid once a month on or before the 26th day of the month during which the labor was performed if the entire month's wages, including the unearned portion between the date of payment and the last day of the month, are paid at that time.

CHAPTER 600

An act to amend Sections 21751, 21800, 21807, and 28453 of the Education Code, and to amend Sections 6553, 29916, 43610, and 54402 of, and to add Article 7 (commencing with Section 53530) and Article 8 (commencing with Section 53540) to Chapter 3, Part 1, Division 2, Title 5, of, the Government Code, and to amend Sections 4618, 32305 and 33646 of the Health and Safety Code, and to amend Section 13207 of the Public Utilities Code, and to amend Sections 71861, 71953 and 71960 of the Water Code, relating to public securities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 25, 1969. Filed with Secretary of State July 25, 1969.]

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

SECTION 1. Section 21751 of the Education Code is amended to read:

21751. The election shall be conducted as provided in Chapter 6 of Division 4, except:

(1) As otherwise provided in Sections 21701 to 21756, inclusive.

(2) That the formal notice of the election shall contain, in addition to the items specified in Section 1342:

(a) The purposes for which the bonds are to be issued.

(b) The amount of the bonds.

(c) The maximum rate of interest as determined by the governing board in its discretion, but not to exceed 7 percent.

(d) The maximum number of years, not to exceed 25, not to exceed which the bonds or any series thereof are to run.

No election shall be held under the provisions of this section in any school district for a period of 90 days after such an election in the same school district.

SEC. 1.5. Section 28100 of the Education Code is amended to read:

21800. Bonds of a school district shall be offered for sale by the board of supervisors of the county, the county superintendent of which has jurisdiction over the district, as soon as possible following receipt of a resolution duly adopted by the governing board of the school district. The resolution shall prescribe the total amount of bonds to be sold. The resolution may also prescribe the maximum acceptable interest rate, not to exceed 7 percent, and the time or times when the whole or any part of the principal of the bonds shall be payable, which shall not be more than 25 years from the date of the bonds.

SEC. 2. Section 21807 of the Education Code is amended to read:

21807. The bonds shall not bear a rate of interest greater than 7 percent per annum, payable annually or semiannually.

SEC. 3. Section 28453 of the Education Code is amended to read:

28453. The bonds shall not bear a rate of interest greater than 7 percent, payable annually or semiannually.

SEC. 4. Section 6553 of the Government Code is amended to read:

6553. The indenture authorizing the issuance of such bonds shall recite the objects and purposes for which the bonds are to be issued, which may include any or all of the purposes stated in this article and which shall comprise the project, the principal amount of the bonds, the maximum rate of interest to be payable thereon which shall not exceed 7 percent per annum, payable semiannually, except that interest for the first year may be made payable at the end of said year, the date or dates of issue of said bonds, the maturity date or dates thereof, and the fund or funds from which said bonds and the interest thereon and premiums upon the redemption of any thereof are to be payable, and such other provisions authorized by this article as the governing body of the entity deems necessary or desirable. Said bonds shall be issued in negotiable form and 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. Said bonds may be issued and sold to the United States of America, or the State of California, or to any appropriate department or agency thereof, to provide a source for the payment of principal and interest on any loan made by the United States of America, or the State of California, or agency thereof, to any agency created by an agreement entered into pursuant to this chapter, provided, the provisions of this sentence shall not apply when the State of California or any department thereof makes any payment of principal and interest on said bonds.

SEC. 5. Section 29916 of the Government Code is amended to read:

29916. Interest on the bonds shall not exceed 7 percent per annum, payable semiannually, except that interest for the first year after the date of the bonds may be made payable at the end of said year.

SEC. 6. Section 43610 of the Government Code is amended to read:

43610. The ordinance shall recite:

(a) The object and purpose of incurring the indebtedness.

(b) The estimated cost of the public improvements.

(c) The amount of the principal of the indebtedness.

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

(e) The date of the election.

(f) The manner of holding the election and the procedure for voting for or against the proposition.

SEC. 7. Article 7 (commencing with Section 53530) is added to Chapter 3, Part 1, Division 2, Title 5 of the Government Code, to read:

Article 7. Interest Rates on Bonds

53530. As used in this article:

(a) "Local agency" means county, city, city and county, public district, public entity or authority, or other public or municipal corporation.

(b) "Bonds" means bonds, warrants, notes or other evidences of indebtedness of a local agency or zone or improvement district thereof.

53531. Any provision of law specifying the maximum interest rate on bonds to the contrary notwithstanding, bonds may bear interest at a coupon rate or rates as determined by the legislative body in its discretion but not to exceed 7 percent per year payable as permitted by law, unless some higher rate is permitted by law.

53532. The provisions of Section 53531 shall apply only to coupon rates and shall not affect the power of a local agency to sell bonds at a discount below par if permitted by law. Any provision of law permitting bonds to be sold at a discount but specifying a maximum interest yield on bonds sold at a discount to the contrary notwithstanding, the bonds may be sold at a price yielding to the purchaser an effective interest rate of not to exceed 7 percent per year, payable as permitted by law, according to standard tables of bond values.

SEC. 8. Article 8 (commencing with Section 53540) is added to Chapter 3, Part 1, Division 2, Title 5 of the Government Code, to read:

Article 8. Issuance, Sale and Cancellation of Bonds

53540. As used in this article:

(a) "Local agency" means county, city, city and county, public district, public entity or authority or other public or municipal corporation.

(b) "Legislative body" means the legislative body, as defined in Section 53000, of the local agency.

(c) The term "bonds" includes bonds, warrants, notes, or other evidences of indebtedness of a local agency, zone or improvement district except those which under Section 18 of Article XI or other provision of the Constitution of the State of California are required to be authorized at an election.

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

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

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

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

Bonds issued pursuant to this section may bear interest at a rate or rates not to exceed 7 percent per year. When bonds are issued pursuant to this section, unissued bonds as referred to in subdivisions (a) and (b) of this section in a principal amount at least equal to the principal amount of bonds issued pursuant to this section, shall be canceled by order of the legislative body and shall not be issued.

SEC. 9. Section 54402 of the Government Code is amended to read:

54402. The legislative body may determine and provide in the resolution for:

(a) The issuance of any bonds or a series in the form of serial bonds or sinking fund bonds with serial or term maturities.

(b) The interest of the bonds not exceeding 7 percent a year, payable annually or semiannually.

(c) The denomination of the bonds.

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

(e) The registration and conversion privileges of the bonds.

(f) The manner in which the bonds are to be executed.

(g) The medium and place of payment.

(h) The terms of redemption, with or without a premium.

SEC. 9.5. Section 4618 of the Health and Safety Code is amended to read:

4618. The maximum rate of interest to be paid on the bonded indebtedness shall be 7 percent per annum, and

shall be payable semiannually. The first interest payable on the bonds or any series of the bonds may, however, be for any period not exceeding one year, as determined by the governing body.

SEC. 10. Section 32305 of the Health and Safety Code is amended to read:

32305. The rate of interest to be borne by bonds issued under the authority of this chapter shall be fixed by the board of directors. The rate shall not exceed 7 percent per annum, payable annually or semiannually.

SEC. 11. Section 33646 of the Health and Safety Code is amended to read:

33646. The bonds may be sold at no less than par less a discount of not to exceed 5 percent, at public sale held after notice published once at least five days prior to the sale in a newspaper of general circulation published in the community, or, if there is none, in a newspaper of general circulation published in the county. The bonds may be sold at not less than par to the federal government at private sale without any advertisement.

The amendment to this section made at the 1969 Regular Session of the Legislature shall be applicable to bonds of a redevelopment agency which have been authorized by the agency prior to the effective date of the amendment but which have not been issued prior to such date.

SEC. 12. Section 71861 of the Water Code is amended to read:

71861. The resolution calling the bond election shall state all of the following:

(a) The purpose for which the proposed debt is to be incurred, which may include expenses of all proceedings for the authorization, issuance, and sale of the bonds.

(b) The amount of debt to be incurred.

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

(d) The maximum rate of interest to be paid, which shall not exceed 7 percent per year, payable semiannually, except that interest for the first year may be payable at the end of that year.

(e) The measure to be submitted to the voters.

(f) The date upon which an election shall be held for the purpose of authorizing the bonded indebtedness to be incurred.

(g) The designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector, and two clerks in each precinct.

SEC. 13. Section 13207 of the Public Utilities Code is amended to read:

13207. The ordinance calling a special bond election shall fix the date on which the election will be held, and the manner of holding the election and of voting for or against incurring

the indebtedness. It shall also recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the utility, works, lands, structures, rights, or other property proposed to be acquired, constructed, or completed, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on the indebtedness, which shall not exceed 7 percent per annum, payable semiannually. If, however, the rate of interest to be paid on the indebtedness does not exceed 4½ percent per annum, payable semiannually, the rate of interest need not be recited in the ordinance.

SEC. 14. Section 71953 of the Water Code is amended to read:

71953. The bonds shall bear interest at a rate or rates not to exceed 7 percent per year, payable semiannually, except that interest for the first year may be payable at the end of that year.

SEC. 15. Section 71960 of the Water Code is amended 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 7 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. 16. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Because of the unusually high interest rates which prevail in the municipal bond market, the issuers affected by this act may or will be unable to sell bonds under present statutory limitations on interest rates. Unless these limitations are changed immediately, it will be impossible to finance critically needed public improvements.

CHAPTER 601

An act to amend Section 25651 of the Health and Safety Code, relating to radioactive materials.

[Approved by Governor July 28, 1969 Filed with Secretary of State July 28, 1969]

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

SECTION 1. Section 25651 of the Health and Safety Code is amended to read:

25651. The department shall adopt, in accordance with the provisions of Chapter 4.5, (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code, reasonable regulations which, in the judgment of the department, shall promote the safe transportation of radioactive materials. Such regulations shall prescribe the use of signs designating radioactive material cargo; may designate routes in this state which are to be used for the transportation of cargoes of hazardous radioactive materials, as defined by regulation, and the manner in which the shipper shall give notice of such shipment to appropriate authorities; and shall prescribe the packing, marking, loading and handling of radioactive materials, and the precautions necessary to determine whether the material when offered is in proper condition to transport, but shall not include the equipment and operation of the carrier vehicle. Such regulations shall be compatible with, but not more restrictive than, those established by the federal agency or agencies required or permitted by federal law to establish such regulations.

CHAPTER 602

An act to amend Section 13706 of the Education Code, relating to qualifications of personnel commissioners.

[Approved by Governor July 28, 1969 Filed with Secretary of State July 28, 1969.]

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

SECTION 1. Section 13706 of the Education Code is amended to read:

13706. To be eligible for appointment or reappointment to the commission a person shall (a) be a registered voter and resident within the territorial jurisdiction of the school district and (b) be a known adherent to the principle of the merit system. No member of the governing board of any school district or a county board of education shall be eligible for appointment, reappointment, or continuance as a member of the commission. During his term of service, a member of the commission shall not be an employee of the school district.

As used in this section, "known adherent to the principle of the merit system," with respect to a new appointee, shall mean a person who by the nature of his prior public or private service has given evidence that he supports the concept of employment, continuance in employment, in-service promotional opportunities, and other related matters on the basis of merit and fitness. As used in this section, "known adherent to the principle of the merit system," with respect to a candidate for reappointment, shall mean a commissioner who has clearly demonstrated through meeting attendance and actions that he does, in fact, support the merit system and its operation.

CHAPTER 603

An act to amend Sections 24837, 25563, 25931, 26451, 26453b and 26453c of, to amend and renumber Sections 26073b and 26073c of, and to add Sections 26073b and 26453d to, the Revenue and Taxation Code, relating to the Bank and Corporation Tax Law, to take effect immediately, tax levy.

[Approved by Governor July 28, 1969. Filed with Secretary of State July 28, 1969.]

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

SECTION 1. Section 24837 of the Revenue and Taxation Code is amended to read:

24837. (a) In the case of expenditures paid or incurred during the income year for the purpose of ascertaining the existence, location, extent, or quality of any deposit of ore or other mineral, and paid or incurred prior to the beginning of the development stage of the mine or deposit, in computing net income there shall be allowed as a deduction so much of such expenditures as does not exceed seventy-five thousand dollars ($75,000).

This section shall apply only with respect to the amount of such expenditures which, but for this section, would not be allowable as a deduction for the income year.

This section shall not apply to expenditures for the acquisition or improvement of property of a character which is subject to the allowance for depreciation provided in Section 24349, but allowances for depreciation shall be considered, for the purposes of this section, as expenditures paid or incurred.

In no case shall this section apply with respect to amounts paid or incurred for the purpose of ascertaining the existence, location, extent, or quality of any deposit of oil or gas.

(b) If the taxpayer elects, in accordance with regulations prescribed by the Franchise Tax Board, to treat as deferred expenses any portion of the amount deductible for the income year under subsection (a), such portion shall not be deductible

under subsection (a) but shall be deductible on a ratable basis as the units of produced ores or minerals discovered or explored by reason of such expenditures are sold. An election made for any income year shall be binding for such year.

(c) This section shall not apply to any amounts paid or incurred in any income year if in any four preceding years the taxpayer, or any individual or corporation who has transferred to the taxpayer any mineral property under circumstances which make the provisions of Section 17883, 18135, 24552, 24553, 24577, 24575, 24961, 24988, or 25404 applicable to such transfer, has either (1) been allowed a deduction under subsection (a) of this section or (2) made the election provided under subsection (b) of this section.

(d) The amount of expenditures which are treated under subsection (b) as deferred expenses shall be taken into account in computing the adjusted basis of the mine or deposit, but such amounts, and the adjustments to basis provided in Section 24916 shall be disregarded in determining the adjusted basis of the property for the purpose of computing a deduction for depletion under this chapter.

SEC. 2. Section 25563 of the Revenue and Taxation Code is amended to read:

25563. If the amount of estimated tax with respect to which a declaration is required under Article 2.5 of this chapter does not exceed one hundred dollars ($100), or twenty-five dollars ($25) in the case of a corporation described in subdivision (a) of Section 23153, the entire amount of the estimated tax shall be due and payable on or before the 15th day of the sixth month of the income year. If the amount of estimated tax exceeds one hundred dollars ($100), or twenty-five dollars ($25) in the case of a corporation described in subdivision (a) of Section 23153, the amount payable shall be paid in two installments as follows—

(a) For income years beginning on and after January 1, 1967, and before January 1, 1970—

(1) 50 percent of the estimated tax, but not less than the minimum tax provided in Section 23153, shall be paid on or before the 15th day of the sixth month of the income year, and

(2) 25 percent of the estimated tax shall be paid on or before the 15th day of the 11th month of the income year.

(b) For income years beginning on and after January 1, 1970—

(1) 30 percent of the estimated tax, but not less than the minimum tax provided in Section 23153, shall be paid on or before the 15th day of the sixth month of the income year, and

(2) 20 percent of the estimated tax shall be paid on or before the 15th day of the 11th month of the income year.

SEC. 3. Section 25931 of the Revenue and Taxation Code is amended to read:

25931. If any taxpayer fails to make and file a return required by this part on or before the due date of the return or the due date as extended by the Franchise Tax Board, then, unless it is shown that the failure is due to reasonable cause and not due to willful neglect, 5 percent of the tax shall be added to the tax for each month or fraction thereof elapsing between the due date of the return and the date on which filed, but the total addition shall not exceed 25 percent of the tax. In the case of a commencing corporation, the penalty shall apply to all tax accruable on the due date of the return. The amount so added to the tax shall be due and payable upon notice and demand from the Franchise Tax Board.

SEC. 4. Section 26073b of the Revenue and Taxation Code is amended and renumbered to read:

26073c. A claim for credit or refund based upon an overpayment on account of the deductibility, under Section 24348, of a bad debt as one which became worthless, or an erroneous inclusion of an amount attributable to the recovery of a bad debt, prior tax or delinquency amount under Section 24310, due to an adjustment of a bad debt deduction, shall be filed within seven years from the date prescribed by law for filing the return for the year with respect to which the claim is made.

SEC. 5. Section 26073c of the Revenue and Taxation Code is amended and renumbered to read:

26073d. (1) Notwithstanding any statute of limitations otherwise provided for in this part, any overpayment due a taxpayer for any year, shall be allowed as an offset in computing any deficiency in tax, for the same or any other year, if such overpayment results from:

(a) A transfer of items of income or deductions or both to or from another year for the same taxpayer; or

(b) A transfer of items of income or deductions or both to or from another taxpayer for the same or different years if such items of income or deductions are transferred between affiliated taxpayers whose tax is determined under Chapter 17 of this part.

(2) The offset provided by subdivision (1) shall not be allowed after the expiration of seven years from the due date of the return or returns on which the overpayment is determined.

(3) No refund shall be allowed under subdivision (1) unless the overpayment is certified to the State Board of Control, or a claim for refund is filed within the time otherwise provided for in this part.

SEC. 6. Section 26073b is added to the Revenue and Taxation Code, to read:

26073b. If a taxpayer is required to report a change or correction by the Commissioner of Internal Revenue or other officer of the United States or other competent authority or to file an amended return as required by Section 25432 and does

report such change or files such return, a claim for credit or refund resulting from such adjustment may be filed within six months from the date such notice or amended return is filed with the Franchise Tax Board by the taxpayer or within the period provided in Section 26073a, whichever period expires the later.

SEC. 7. Section 26451 of the Revenue and Taxation Code is amended to read:

26451. Except as otherwise provided in this article, it is a misdemeanor for the Franchise Tax Board or any member thereof, or any deputy, agent, clerk or other officer or employee of the state (including its political subdivisions) who in the course of his or her employment or duty has access to returns, reports or documents required under this part, to divulge or make known in any manner the amount of income or any particulars relating to the business affairs of the taxpayer set forth or disclosed therein.

SEC. 8. Section 26453b of the Revenue and Taxation Code is amended to read:

26453b. The Attorney General or other legal representatives of the state may inspect the report or return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted to recover any tax or any penalty imposed by this part. In addition, the Attorney General may inspect any report or return required under this part when required in the enforcement of any public or charitable trust or in compelling adherence to any charitable purposes for which any nonprofit corporation is formed.

SEC. 9. Section 26453c of the Revenue and Taxation Code is amended to read:

26453c. The Franchise Tax Board may permit the Commissioner of Internal Revenue of the United States, or other tax officials of this state, or the proper officer of any state imposing an income tax or tax measured by income, or the authorized representative of any such officer, to inspect the returns of any taxpayer, or may furnish to such officer or his authorized representative an abstract of the return of income of any taxpayer or supply him with information concerning any item of income contained in any return, or disclosed by the report of any investigation of the income or return of income of any taxpayer. Permission shall be granted or such information furnished to such officer or his representative, only if the statutes of the United States or of such other state grant substantially similar privileges to the Franchise Tax Board.

SEC. 10. Section 26453d is added to the Revenue and Taxation Code, to read:

26453d. Except as otherwise provided in this article, the information furnished or secured pursuant to either this article or the express provisions of law, shall be used solely for the purposes of administering the tax laws or other laws ad-

ministered by the person or agency obtaining it. Any unwarranted disclosure or use of the information by the person or agency, or the employees and owners thereof, is a misdemeanor.

SEC. 11. The provisions of this act effecting changes in the computation of taxes shall be applied to income years beginning on and after January 1, 1969. The other provisions will be applied on and after the effective date of this act.

SEC. 12. Sections 1, 2, and 3 of this act provide for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 604

An act to amend Section 1000 of the Probate Code, relating to distribution of estates.

[Approved by Governor July 28, 1969. Filed with Secretary of State July 28, 1969.]

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

SECTION 1. Section 1000 of the Probate Code is amended to read:

1000. When two months have elapsed after the first publication of notice to creditors and upon bond—or with or without bond, as the court determines, when the time for filing or presenting claims has expired and all uncontested claims have been paid or are sufficiently secured by mortgage, or otherwise, but the estate is not in a condition to be finally closed and distributed—the executor or administrator, or any heir, devisee or legatee, or the assignee, grantee or successor in interest of any heir, devisee, or legatee, may petition the court for distribution of a legacy, devise or share of the estate or any portion or portions thereof to which he is entitled or a payment on account of the legacies to the heirs, devisees or legatees or any assignees, grantees or successors in interest or where there are priorities, to those of the class or classes having priorities; or, if the decedent was a nonresident and left a will which has been duly proved or allowed in the state of his residence, and it is necessary, in order that the estate or any part thereof may be distributed according to the will, or it is for the best interests of the estate, that any part of the estate in this state should be delivered to the executor or administrator in the state of the decedent's residence, the executor or administrator may petition the court for an order authorizing the delivery of such portion of the estate as the court shall deem safe and proper and for the best interests of the estate, to the executor or administrator in the state of decedent's residence.

The clerk shall set the petition for hearing by the court and give notice thereof for the period and in the manner required by Section 1200 of this code. Any person interested in the estate or any coexecutor or coadministrator may resist the application.

CHAPTER 605

An act to add Section 3056 to the Business and Professions Code, relating to the practice of optometry.

[Approved by Governor July 28, 1969 Filed with Secretary of State July 28, 1969.]

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

SECTION 1. Section 3056 is added to the Business and Professions Code, to read:

3056. Notwithstanding any other provision of this chapter, the board shall permit any person who meets all the following requirements to take the examination for a certificate of registration as an optometrist:

(a) Is over the age of 21 years.

(b) Is of good moral character.

(c) Is a citizen of the United States.

(d) Has graduated from a college or university located in this state.

(e) Has a degree as a doctor of optometry issued by a university located outside the United States.

(f) Has at least four years experience as an instructor in optometry in a school located in the United States.

(g) Makes application to the board for admission to the examination within six months after the effective date of this section.

(h) Pays the fee specified in subdivision (b) of Section 3152.

CHAPTER 606

An act to amend Sections 9906 and 9909 of the Government Code, relating to legislative advocacy.

[Approved by Governor July 28, 1969 Filed with Secretary of State July 28, 1969.]

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

SECTION 1. Section 9906 of the Government Code is amended to read:

9906. (a) Any person who shall engage himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation by the Legis-

lature of the State of California or the approval or veto of any legislation by the Governor of the State of California shall, before doing anything in furtherance of such object, register with the Clerk of the Assembly and the Secretary of the Senate and shall give to those officers in writing and under oath, his full legal name and business address, the name and address of the person by whom he is employed, and in whose interest he appears or works, the duration of such employment, how much he is paid and is to receive, by whom he is paid or is to be paid, how much he is to be paid for expenses, and what expenses are to be included. He shall also, at the time of registering, submit to the clerk and the secretary a written authorization from each person by whom he is employed to act in furtherance of such object. Such person shall again register at each succeeding regular session of the Legislature and again submit at that time the information and authorization required by this subdivision (a), unless he at that time is no longer engaged for pay or other consideration for the purposes hereinabove specified.

(b) Each such person so registering shall, between the 1st and 15th day of each calendar month, so long as his activity continues, file with the clerk and secretary a detailed report under oath of all money received and each expenditure of twenty-five dollars ($25) or more during the preceding calendar month in carrying on his work; to whom paid; for what purposes; the total of all expenditures during the preceding calendar month; and the names of any papers, periodicals, magazines, or other publications in which he has caused to be published any articles or editorials; and the proposed legislation he is employed to support or oppose. The provisions of this section shall not apply to any person who merely appears before a committee of the Legislature of the State of California in support of or opposition to legislation; nor to any state official acting in his official capacity; nor to any elected public official acting in his official capacity; nor in the case of any newspaper or other regularly published periodical, radio or television station (including any individual who owns, publishes, or is employed by any such newspaper or periodical, radio or television station) which in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisements, which directly or indirectly urge the passage or defeat of legislation, if such newspaper, periodical, radio or television station or individual, engages in no further or other activities in connection with the passage or defeat of such legislation, other than to appear before a committee of the Legislature of the State of California in support of or in opposition to such legislation; nor to a person when representing a bona fide church solely for the purpose of protecting the public right to practice the doctrines of such church.

(c) All information required to be filed under the provisions of this section with the Clerk of the Assembly and the

Secretary of the Senate and not previously published shall be compiled by said clerk and secretary, acting jointly, as soon as practicable after the close of the calendar month with respect to which such information is filed and shall be printed in the Journal of the Assembly within the week immediately preceding the constitutional 30-day recess, or within the week immediately preceding final adjournment at each regular session.

(d) In addition to the requirements of subdivision (a), no person subject to that subdivision shall attempt to influence the passage or defeat of any legislation by the Legislature of the State of California or the approval or veto of any legislation by the Governor of the State of California, unless he shall have received the certificate of registration provided for by subdivision 1 of Section 9909.

SEC. 2. Section 9909 of the Government Code is amended to read:

9909. It shall be the duty and responsibility of the respective houses of the Legislature, and they are each vested with the power, through appropriately established committees thereof as they shall determine:

1. To grant certificates of registration as legislative advocate to all persons registering under, and supplying the information in connection therewith as provided in, Section 9906 who, after such investigation and submission of such proof as the committees deem proper, have been found to be of good moral character particularly as evidenced by never having been guilty of conduct proscribed by Section 9910 and specifically by subparagraphs 2, 3, 4, 6, and 8 of Section 9910 and who have filed the written authorization required.

2. To revoke or suspend the certificate of registration of any legislative advocate who has been convicted of violating any of the provisions of this chapter or who, after a hearing, has been found by either house of the Legislature or an authorized committee thereof to have violated any of the provisions of this chapter or to have willfully failed to perform the obligations of a legislative advocate as set forth in this chapter.

3. On their own motion, on the verified complaint of any Member of the Legislature, or upon the verified complaint of any other person, to investigate or cause to be investigated the activities of any legislative advocate or of any person who they have reason to believe or who it is alleged is or has been acting as a legislative advocate.

4. In making any investigation or in holding any hearing, to take and hear evidence, administer oaths, and compel by subpoena the attendance of witnesses and the production of books, papers, and documents.

5. To require any person who attends upon any legislative session for any considerable period of time and communicates with Members of the Legislature but who fails to register, or any person, who if registered, regularly fails to appear at com-

mittee meetings at which legislation affecting his employer is considered, to appear before either house of the Legislature or an authorized committee thereof and explain his purpose in attending upon the legislative session and advise them of the interests for whom he acts and the methods he employs in promoting, advocating, opposing or influencing the passage or defeat of legislation.

6. To recommend from time to time such amendments to this chapter, or such other proposals as in their opinion would be conducive to the proper conduct of legislative business without infringing upon the right of all persons to present to the Legislature their views through agents or agencies of their own choosing.

7. To report to the appropriate law enforcement officers any violation of this chapter or of Section 15 of Article IV of the California Constitution or of Sections 85 and 86 of the Penal Code or of Section 9054 or 9056 of this code or of related provisions of law.

8. In addition to any other powers conferred by this section the appropriately established committees may revoke the certificate of registration required by subdivision (d) of Section 9906 for failure to file the reports required by subdivision (b) of Section 9906, except that no certificate shall be revoked within 90 days of a failure to file such a report, for failure to file such report, if, prior to the last day for filing such reports, the appropriately established committee has been informed, in writing, of extenuating circumstances justifying such failure.

CHAPTER 607

An act to amend Sections 456.5 and 456.6 of the Elections Code, relating to voter registration information.

[Approved by Governor July 28, 1969. Filed with Secretary of State July 28, 1969.]

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

SECTION 1. Section 456.5 of the Elections Code is amended to read:

456.5. If the county clerk maintains tabulating cards containing the information set forth in the affidavits of registration of voters, or sets forth that information on electronic data-processing tape, he shall forward to the Secretary of State one copy of a data-processing tape file setting forth the information contained on such cards or tape, together with a statement of the format of such tape file, at each of the following times:

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

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

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

d. On the 135th day before each presidential primary and before each direct primary.

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

SEC. 2. Section 456.6 of the Elections Code is amended to read:

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

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

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

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

(d) On the 135th day before each presidential primary and before each direct primary.

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

CHAPTER 608

An act to add Section 405.8 to the Code of Civil Procedure, *relating to civil actions.*

[Approved by Governor July 28, 1969. Filed with Secretary of State July 28, 1969.]

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

SECTION 1. Section 405.8 is added to the Code of Civil Procedure, to read:

405.8. (a) Whenever a complaint for damages for personal injuries is filed against a physician and surgeon, dentist, registered nurse, dispensing optician, optometrist, pharmacist, registered physical therapist, podiatrist, licensed psychologist, osteopath, chiropractor, clinical laboratory bioanalyst, clinical laboratory technologist, or veterinarian, duly licensed as such under the laws of this state, or a licensed hospital as the employer of any such person, in an action for error, omission, or negligence in the performance of professional services, or performance of professional services without consent, any such defendant may, within six months after service of summons, move the court for an order, upon notice to plaintiff and all defendants having appeared in the action, and hearing, re-

quiring the plaintiff to furnish a written undertaking, with at least two sufficient sureties, in a sum not to exceed five hundred dollars ($500), or to deposit such sum or equivalent security approved by the court with the clerk of the court, as security for the costs of defense as provided in subdivision (d), which may be awarded against such plaintiff. Such motion shall be supported by affidavit showing that the claim against such defendant is frivolous. Any defendant having appeared in the action and within 30 days after receipt of notice may join with the moving party requesting an order under this section as to such additional defendant. The failure of any defendant to join with the moving party shall preclude each such defendant from subsequently requesting an order under this section.

At the hearing upon such motion, the court shall order the plaintiff to furnish such security if the defendant shows to the satisfaction of the court that: (i) the plaintiff would not suffer undue economic hardship in filing such written undertaking or making such deposit and (ii) there is no reasonable possibility that the plaintiff has a cause of action against each named defendant with respect to whom the plaintiff would otherwise be required to file such written undertaking or make such deposit.

A determination by the court that security either shall or shall not be furnished or shall be furnished as to one or more defendants and not as to others, shall not be deemed a determination of any one or more issues in the action or of the merits thereof. If the court, upon any such motion, makes a determination that a written undertaking or deposit be furnished by the plaintiff as to any one or more defendants, the action shall be dismissed as to such defendant or defendants, unless the security required by the court shall have been furnished within such reasonable time as may be fixed by the court.

(b) This section does not apply to a complaint in an action commenced in a small claims court.

(c) Whenever more than one such defendant is named, the undertaking or deposit shall be increased to the extent of not to exceed five hundred dollars ($500) for each additional defendant in whose favor such undertaking or deposit is ordered, not to exceed the total of one thousand dollars ($1,000).

(d) In any action requiring a written undertaking or deposit as provided in this section, upon the dismissal of the action or the award of judgment to the defendant, the court shall require the plaintiff to pay the defendant's court costs. Any sureties shall be liable for such costs in an amount not to exceed the sum of five hundred dollars ($500) or the amount of the undertaking, whichever is lesser, for each defendant with respect to whom such sureties have executed a written undertaking or the plaintiff has made a deposit. If the plaintiff prevails in the action against any defendant with respect

to whom such security has been filed, such defendant shall pay the costs to plaintiff incurred in obtaining such written undertaking or deposit and defending the motion for dismissal authorized by this section.

(e) Any defendant filing a motion under this section or joining with a moving party under this section is precluded from subsequently filing a motion for summary judgment.

(f) Any defendant filing a motion for summary judgment is precluded from subsequently filing a motion, or joining with a moving party, under this section.

CHAPTER 609

An act to amend Section 1420 of the Labor Code, relating to fair employment practices.

[Approved by Governor July 28, 1969. Filed with Secretary of State July 28, 1969.]

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 refuse to select him for a training program leading to employment, or to bar or to discharge such person from employment or from a training program leading to employment, 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 or any other training program leading to employment 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.

SEC. 2. 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, ancestry, or sex of any person, to refuse to hire or employ him or to refuse to select him for a training program leading to employment, or to bar or to discharge such person from employment or from a training program leading to employment, 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, ancestry, or sex 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, ancestry, or sex 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 or any other training program leading to employment because of the race, religious creed, color, national origin, ancestry, or sex 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, ancestry, or sex 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.

SEC. 3. It is the intent of the Legislature, if amendments to Section 1420 of the Labor Code proposed by both this bill and Assembly Bill No. 182 are enacted, that both amendments be given effect and incorporated in Section 1420 in the form set forth in Section 2 of this act. Therefore, in the event Assembly Bill No. 182 is enacted and amends Section 1420, Section 2 of this act shall become operative at the same time that Section 1420 as amended by Assembly Bill No. 182 becomes operative, and at that time, Section 1420 of the Labor Code as amended by Section 1 of this act is repealed.

CHAPTER 610

An act to add Section 992 to the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 28, 1969. Filed with Secretary of State July 28, 1969.]

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

SECTION 1. Section 992 is added to the Revenue and Taxation Code, to read:

992. Any wine, winery product or brandy produced or manufactured in California by a licensed winegrower, wine blender, or manufacturer which now or hereafter is held in bond by a licensed winegrower, wine blender, or manufacturer shall be subject to taxation only once while so held, on the first day in March on which it is held immediately following its production or manufacture. The tax on such property shall be subject to all the provisions of this code regarding the assessment, equalization, levy and collection of county taxes, to the extent that those provisions are applicable.

CHAPTER 611

An act to amend Sections 1812.82, 1812.85, 1812.97, and 1812.995 of the Civil Code, relating to health or dance studio services.

[Approved by Governor July 28, 1969. Filed with Secretary of State July 28, 1969.]

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

SECTION 1. Section 1812.82 of the Civil Code is amended to read:

1812.82. Every contract for health or dance studio services shall be in writing and shall be subject to the provisions of this title. A copy of the written contract shall be given to the customer at the time he signs the contract.

SEC. 2. Section 1812.85 of the Civil Code is amended to read:

1812.85. (a) Every contract for health studio services shall provide that performance of the agreed-upon services will begin within six months from the date the contract is entered into.

(b) Every contract for dance studio services shall provide that performance of the agreed-upon services will begin within 12 months from the date the contract is entered into and that such contract may be canceled within 10 days after receipt by the customer of a copy of the contract without any penalty or forfeiture by written notice to the other party at the address specified in the contract, except that payment shall be made for any dance studio services received prior to such cancellation.

SEC. 3. Section 1812.97 of the Civil Code is amended to read:

1812.97. Every dance studio shall maintain a bond issued by a surety company admitted to do business in this state. The principal sum of the bond shall be 25 percent of the dance studio's gross income from the studio business in this state during the studio's last fiscal year, except that the principal sum of the bond shall not be less than ten thousand dollars ($10,000) in the first or any subsequent year of operations. A copy of such bond shall be filed with the Secretary of State.

SEC. 4. Section 1812.995 of the Civil Code is amended to read:

1812.995. Sections 1812.97 to 1812.99, inclusive, do not apply to any dance studio which does not require prepayment for lessons.

CHAPTER 612

An act to amend Section 7650 of, and to add Sections 6456, 6456.1 and 8403 to, and to repeal Sections 6456, 8403 and 8404 of, the Financial Code, relating to savings and loan associations.

[Approved by Governor July 28, 1969. Filed with Secretary of State July 28, 1969.]

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

SECTION 1. Section 6456 of the Financial Code is repealed.

SEC. 2. Section 6456 is added to the Financial Code, to read:

6456. An association may issue one or more classes or series, or both, of shares of guarantee stock, any of which classes or series may be with par value or without par value, and with full, limited, or no voting rights, and with such other preferences, rights, privileges, and restrictions as are stated or authorized in their articles. All shares of any one class of guarantee stock shall have the same voting rights, conversion, and other rights, preferences, privileges, and restrictions, unless the class is divided into series. If a class is divided into series, all the shares of guarantee stock of any one series shall have the same voting rights, conversion, and other rights, preferences, privileges, and restrictions. There shall always be a class or series of shares of guarantee stock outstanding which has complete voting rights except as limited or restricted by voting rights conferred on some other class or series of outstanding shares of guarantee stock.

SEC. 3. Section 6456.1 is added to the Financial Code, to read:

6456.1. The proceeds from the sale of guarantee stock which has a par value shall be set apart to the extent of the par value and, except as that stock is reduced as provided in this chapter, shall be maintained as a fixed and permanent capital of the association. The proceeds from the sale of guarantee stock of no par value shall be set aside to the extent provided in such articles of incorporation as approved by the commissioner and, except as that stock is reduced as provided in this chapter, shall be maintained as a fixed and permanent capital of the association.

SEC. 4. Section 7650 of the Financial Code is amended to read:

7650. Except as otherwise provided in the articles of incorporation or bylaws pursuant to this division, each holder of guarantee stock shall have one vote for each share of guarantee stock held by him and each holder of withdrawable shares shall have such number of votes as bears the same ratio to one as the par value of all withdrawable shares held by him bears to the par value of one share of guarantee stock issued by such association. Except as otherwise provided in the articles of incorporation or bylaws pursuant to this division, if the guarantee stock is without par value, each holder of withdrawable shares shall have such number of votes as bears the same ratio to one as the par value of all withdrawable shares held by him bears to the amount set aside from the sale of each share of guarantee stock as a fixed and permanent capital of the association pursuant to Section 6456.1.

SEC. 5. Section 8403 of the Financial Code is repealed.

SEC. 6. Section 8403 is added to the Financial Code, to read:

8403. Articles 2 (commencing with Section 8450) and 3 (commencing with Section 8500) of this chapter are not applicable with respect to any stock or stockholder of an association which is an "insured institution" as defined in Title IV of the National Housing Act, as amended.

SEC. 7. Section 8404 of the Financial Code is repealed.

CHAPTER 613

An act relating to the State School Building Aid Law of 1952.

[Approved by Governor July 28, 1969. Filed with Secretary of State July 28, 1969.]

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

SECTION 1. Notwithstanding any other provision of law, if at any time prior to January 1, 1962, the electors of a school district voted to accept, expend, and repay an apportionment under the State School Building Aid Law of 1952 (Chapter 10 (commencing with Section 19551) of Division 14, Education Code) at an election held pursuant to Section 19590 of the Education Code, and the district thereafter has failed to qualify for such apportionment, the governing board of the district, by resolution unanimously adopted at a regular meeting of the board, may resolve to waive and forfeit the district's rights to receive an apportionment of state school building aid under the authorization afforded by said prior election. The waiver and forfeiture of all rights to such apportionment shall become final and absolute upon the date of the filing of a certified copy of such resolution with the State Allocation Board. The district's entitlement to apportionments under the State School Building Aid Law of 1952 shall, thereafter, be dependent upon establishing entitlement by compliance with all requirements of that law.

SEC. 2. This act shall remain in effect only until July 1, 1970.

CHAPTER 614

An act to repeal Section 25630 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 28, 1969. Filed with Secretary of State July 28, 1969.]

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

SECTION 1. Section 25630 of the Business and Professions Code is repealed.

CHAPTER 615

An act to repeal Sections 2262.1, 2262.2, 2262.3, and 2262.4 of the Labor Code, relating to employment regulation and supervision.

[Approved by Governor July 28, 1969. Filed with Secretary of State July 28, 1969.]

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

SECTION 1. Section 2262.1 of the Labor Code is repealed.
SEC. 2. Section 2262.2 of the Labor Code is repealed.
SEC. 3. Section 2262.3 of the Labor Code is repealed.
SEC. 4. Section 2262.4 of the Labor Code is repealed.

CHAPTER 616

An act to amend Sections 2147 and 2147.5 of the Business and Professions Code, relating to students.

[Approved by Governor July 28, 1969. Filed with Secretary of State July 28, 1969.]

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

SECTION 1. Section 2147 of the Business and Professions Code is amended to read:

2147. Nothing in this chapter shall be construed to prevent a student regularly matriculated in any legally chartered school approved by the board from treating the sick or afflicted whenever and wherever prescribed as a part of his course of study.

SEC. 2. Section 2147.5 of the Business and Professions Code is amended to read:

2147.5. Any graduate student registered with the board and upon whom a degree of doctor of medicine, bachelor of medicine, or doctor of osteopathy has been conferred by a school, approved by the board, may, during and as a part of his course of study, but not for a period of more than two years, treat the sick and afflicted either as such student in a school approved by the board, teaching medicine, surgery or osteopathy in this state, or as an intern in a hospital approved for the training of interns, and may, for rendering such treatment, receive compensation therefor from the hospital or school. Hospitals functioning as a part of the teaching program of an approved school in this state may exchange instructors or resident or assistant resident physicians with an out-of-state approved school, or may appoint a graduate of an approved school as a resident or assistant resident for postgraduate training, and the exchange instructor, resident or assistant resident from such out-of-state school or the resident

or assistant resident for postgraduate training may, for a period not exceeding one year, serve as an instructor, resident or assistant resident in such hospital in this state. Any person registered with the board and upon whom a degree of doctor of medicine or doctor of osteopathy has been conferred by a school approved by the board may act as a resident or assistant resident physician in any hospital or public health department approved for residencies or the training of interns, and may receive compensation therefor from the hospital or public health department; provided, that any such resident or assistant resident shall qualify for and take the next succeeding examination for a physician's and surgeon's certificate given by the board or shall qualify for and receive a physician's and surgeon's certificate by one of the other methods specified in this chapter. If he shall fail to pass such examination or fail to receive a certificate by one of the other methods, pending the results of the examination, all privileges under this section shall automatically cease.

Except to the extent authorized by this section, no graduate student or resident may treat the sick or afflicted or receive compensation therefor, or otherwise engage in or offer to engage in the practice of medicine or surgery; unless he shall hold a valid, unrevoked and unsuspended physician's and surgeon's certificate.

CHAPTER 617

An act to amend Section 8572.5 of the Education Code, relating to physical education instruction.

[Approved by Governor July 28, 1969. Filed with Secretary of State July 28, 1969.]

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

SECTION 1. Section 8572.5 of the Education Code is amended to read:

8572.5. Notwithstanding the provisions of Sections 8551 and 8572, instruction in physical education in an elementary school maintaining any of 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.

CHAPTER 618

An act to amend Section 18102 of the Education Code, relating to handicapped pupils.

[Approved by Governor July 28, 1969. Filed with Secretary of State July 28, 1969.]

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 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 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).

Braille books purchased, braille materials transcribed from ink print, sound recordings purchased or made, and special supplies and equipment purchased for blind pupils for which state or federal funds were allowed are property of the state and shall be available for use by blind pupils throughout the state as the State Board of Education shall provide.

(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).

CHAPTER 619

An act to amend Section 16554.5 of the Education Code, relating to child care programs.

[Approved by Governor July 28, 1969. Filed with Secretary of State July 28, 1969.]

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

SECTION 1. Section 16554.5 of the Education Code is amended to read:

16554.5. The governing board of any school district may allow the use of school buildings, 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 and elementary school 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 620

An act to add Article 2.5 (commencing with Section 10140) of Chapter 1 of Part 2 of Division 2 of the Insurance Code, relating to insurance.

[Approved by Governor July 28, 1969. Filed with Secretary of State July 28, 1969.]

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

SECTION 1. Article 2.5 (commencing with Section 10140) is added to Chapter 1 of Part 2 of Division 2 of the Insurance Code, to read:

Article 2.5. Discriminatory Practices

10140. No admitted insurer, licensed to issue life or disability insurance, shall fail or refuse to accept an application for such insurance, to issue such insurance to an applicant therefor, or issue or cancel such insurance, under conditions less favorable to the insured than in other comparable cases, except for reasons applicable alike to persons of every race, color, religion, national origin, or ancestry; nor shall race, color, religion, national origin, or ancestry of itself constitute a condition or risk for which a higher rate, premium, or charge may be required of the insured for such insurance.

10141. No application for insurance or insurance investigation report furnished by such an insurer to its agents or employees for use in determining the insurability of the applicant shall carry any identification, or any requirement therefor, of the applicant's race, color, religion, ancestry, or national origin.

CHAPTER 621

An act to add Section 31781.3 to the Government Code, relating to the County Employees' Retirement Law of 1937.

[Approved by Governor July 28, 1969. Filed with Secretary of State July 28, 1969.]

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

SECTION 1. Section 31781.3 is added to the Government Code, to read:

31781.3. The surviving spouse of a member may elect, in lieu of the death benefit in Section 31781 or the life annuity provided in Section 31781.1, the following combined benefit:

(a) An amount, provided from contributions by the county or district, equal to one-twelfth of the annual compensation earnable by the deceased during the 12 months immediately preceding his death, multiplied by the number of completed years of service under the system, but not to exceed 50 percent of such annual compensation, plus

(b) A monthly allowance equal to 60 percent of the monthly allowance to which such deceased member would have been entitled if he had retired or been retired by reason of non-service-connected disability as of the date of his death, provided that such monthly allowance shall be reduced by a monthly amount which is the actuarial equivalent of the amount in subdivision (a) as applied to the life of the surviving spouse.

CHAPTER 622

An act to add Section 39112 to the Health and Safety Code, and to amend Sections 4000.1 and 27156 of the Vehicle Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 28, 1969. Filed with Secretary of State July 28, 1969.]

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

SECTION 1. Section 39112 is added to the Health and Safety Code, to read:

39112. Subject to the provisions of Sections 39052, 39052.5, and 39052.6 and Article 5 (commencing with Section 39175) of this chapter, all motor vehicles required pursuant to the National Emissions Standards Act (42 U.S.C. Secs. 1857f-1 to 1857f-7, inclusive) and the standards and regulations promulgated thereunder, to be equipped with pollution control devices, shall be equipped with pollution control devices required by that act.

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 motor vehicle pollution control 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 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 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, or required to be equipped with a motor vehicle pollution control device pursuant to the National Emissions Standards Act (42 U.S.C. Secs. 1857f-1 to 1857f-7, inclusive) and the standards and regulations promulgated thereunder, 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.

When the court finds that a person has willfully violated this section, he shall be fined the maximum amount that may be imposed in the case, and no part of the fine may be suspended.

"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 or diesel found by the Air Resources Board to result in emissions from such modified or altered vehicle which are at levels which comply with existing state or federal standards for that model year of the vehicle being modified or converted.

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 State of California has not received a waiver by the federal government for crankcase control since 1968 nor for exhaust control systems on the 1968 year model vehicles; therefore, under existing statutes such devices could be removed. It is, therefore, necessary to the peace, health and safety of the people of California that protective legislation prohibiting the removal of pollution control devices required by federal statutes and regulations, take effect immediately.

CHAPTER 623

An act to amend Section 25416 of the Education Code, relating to junior college district governing boards.

[Approved by Governor July 28, 1969. Filed with Secretary of State July 28, 1969.]

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

SECTION 1. Section 25416 of the Education Code is amended to read:

25416. The governing board of each junior college district shall hold an annual organizational meeting on a day within the period of July 1 to July 15, inclusive. Unless otherwise provided by rule of the governing board, the day and time of the annual meeting shall be selected by the board at its regular meeting held immediately prior to such July 1, and the board shall notify the county superintendent of schools of the day and time selected. The secretary of the board shall, within

15 days prior to the date of the annual meeting notify in writing all members and members-elect of the date and time selected for the meeting.

If the board fails to select a day and time for the meeting, the county superintendent of schools having jurisdiction over the district shall, prior to July 1 and after the regular meeting of the board held immediately prior to July 1, designate the day and time of the annual meeting. The day designated shall be within the period of July 1 to July 15, inclusive. He shall notify in writing all members and members-elect of the date and time.

At the annual meeting, the governing board of the junior college district shall organize by electing a president from its members and a secretary.

CHAPTER 624

An act to amend Sections 6357, 6406, 6501, 6502, and 6509 of the Welfare and Institutions Code, relating to state hospitals.

[Approved by Governor July 28, 1969. Filed with Secretary of State July 28, 1969.]

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

SECTION 1. Section 6357 of the Welfare and Institutions Code is amended to read:

6357. If, after a hearing and examination, the judge believes the person charged is a narcotic drug addict, he shall make an order committing such person to the Department of Mental Hygiene for placement in a state hospital for an indeterminate period of not less than three months nor more than two years.

If satisfactory evidence is submitted to the trial judge showing that the person to be committed is of bad repute or bad character, apart from his habit for which the commitment is made, and that there is reasonable ground for believing that the person if committed will not be benefited by treatment, the judge shall not commit the person to a state hospital.

SEC. 2. Section 6406 of the Welfare and Institutions Code is amended to read:

6406. If the judge, after such hearing and examination, believes the person is so far addicted to the intemperate use of habit-forming drugs, as provided in this article, as to have lost the power of self-control, he shall make an order that the person be committed to the Department of Mental Hygiene for placement in a state hospital, or that such person be confined for a definite period not exceeding one year, in a regional jail camp maintained by the Department of Corrections or in an industrial farm or industrial road camp within the county or, in the event that the county maintains a branch

of the county jail at which inmates thereof are required to perform agricultural and other out-of-doors labor, in such branch of the county jail. The order of commitment and statement of financial condition shall be in substantially the form provided by Section 6254 of this code for the commitment of mentally disordered persons.

Before a person is committed to a state hospital, however, satisfactory evidence shall be submitted to the trial judge showing that the person to be committed is not of bad repute or bad character, apart from his habit for which the commitment is made, and that there is reasonable ground for believing that the person, if committed, will be permanently benefited by treatment.

SEC. 3. Section 6501 of the Welfare and Institutions Code is amended to read:

6501. Any mentally retarded person requiring hospitalization may be committed to the Department of Mental Hygiene for placement in a state hospital if he has been a resident of the state for the period of one year next preceding the presentation of the petition.

Residence acquired in this or in another state shall not be lost by reason of military service in the armed forces of the United States. The residence of minor children during the period of such military service shall be determined in accordance with the residence of the parent in such service or in accordance with the residence of the child.

Any mentally retarded minor requiring hospitalization may be committed to the Department of Mental Hygiene if the parent or guardian having custody of the minor has lived continuously in this state for a period of one year next preceding the presentation of the petition and has not acquired residence in another state by living continuously therein for at least one year subsequent to his residence in this state. Such parent or guardian shall be deemed a resident of this state for the purposes of this section and such minor shall be eligible for hospitalization in this state as a mentally retarded person. The eligibility of such minor for hospitalization in this state ceases when such parent or guardian ceases to be a resident of this state and such minor shall be transferred to the state of residence of the parent or guardian in accordance with the applicable provisions of this code.

SEC. 4. Section 6502 of the Welfare and Institutions Code is amended to read:

6502. A petition for the commitment of a mentally retarded person to the Department of Mental Hygiene for placement in a state hospital may be filed in the superior court of the county in which such person resides, by any of the following persons:

(a) The parent, guardian, or other person charged with the support of the mentally retarded person.

(b) Any district attorney or probation officer.

(c) The Youth Authority.

(d) Any person designated for that purpose by the judge of the court.

(e) The Director of Corrections.

The petition shall state the petitioner's reasons for supposing the person to be eligible for admission thereto, and shall be verified by the affidavit of the petitioner.

SEC. 5. Section 6509 of the Welfare and Institutions Code is amended to read:

6509. If the court finds that the person is mentally retarded, and that he or his parent or guardian is a resident of this state as determined in accordance with Section 6501, the court may make an order that the person be committed to the Department of Mental Hygiene for hospitalization. The court, however, may commit a mentally retarded person who has been in the state less than one year, or a mentally retarded minor who is not eligible for commitment to the Department of Mental Hygiene under Section 6501 for the purpose of transportation of such person to the state of his legal residence pursuant to Section 4119. The Department of Mental Hygiene shall receive the person committed to it and shall place the person in a state hospital unless such institutions are already full, or the funds available for their support are exhausted, or, in the opinion of the Department of Mental Hygiene, the person is not a suitable subject for admission thereto.

CHAPTER 625

An act to amend Sections 1802.8, 1802.9, 1802.10, 1802.11, 1803.2, 1803.3, 1806.2, 1807.3, 1808.1, 1808.2, and 1808.3 of, to amend and renumber Sections 1810.4, 1810.5, 1810.6, 1810.7, 1810.8, 1810.9, 1810.10, and 1810.11 of, to add Sections 1802.17 and 1810.1 to, and to repeal Sections 1810.1, 1810.2, and 1810.3 of, the Civil Code, relating to credit sales.

[Approved by Governor July 28, 1969. Filed with Secretary of State July 28, 1969.]

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

SECTION 1. Section 1802.8 of the Civil Code is amended to read:

1802.8. "Cash price" means the cash price stated in a retail installment contract for which the seller would sell or furnish to the buyer and the buyer would buy or obtain from the seller the goods or services which are the subject matter of a retail installment contract if the sale were a sale for cash instead of a retail installment sale. The cash price may include any taxes and cash prices for accessories and services, if any, included in a retail installment sale

SEC. 2. Section 1802.9 of the Civil Code is amended to read:

1802.9. "Deferred payment price" means the total of the cash price of the goods or services and the amounts, if any, included for insurance, official fees and service charge.

SEC. 3. Section 1802.10 of the Civil Code is amended to read:

1802.10. "Finance charge" or "service charge" means the amount however denominated or expressed which the retail buyer contracts to pay or pays for the privilege of purchasing goods or services to be paid for by the buyer in installments; it does not include the amounts, if any, charged for insurance premiums if the insurance coverage involved is not required by the seller, delinquency charges, attorney's fees, court costs, collection expenses or official fees. Wherever either of such terms is required to be used under the provisions of this chapter the other may be used interchangeably.

If credit life, accident, health, or loss of income insurance is required by the seller as a condition of extending the credit, the total finance charge shall be the sum of the finance charge computed in accordance with Article 5 (commencing with Section 1805.1) of this chapter and the charge for any insurance premium.

SEC. 4. Section 1802.11 of the Civil Code is amended to read:

1802.11. "Unpaid balance" means the cash price of the goods or services which are the subject matter of the retail installment sale, plus the amounts, if any, included in a retail installment sale for insurance and official fees, minus the amount of the buyer's downpayment in money or goods.

SEC. 5. Section 1802.17 is added to the Civil Code, to read:

1802.17. For purposes of this chapter, "retail installment account" has the same meaning as "open end credit account," and, when applicable, the word "creditor" may be used instead of "seller" or "holder." The word "customer" may be used instead of "buyer."

SEC. 5.5. Section 1803 2 of the Civil Code is amended to read:

1803.2. Except as provided in Sections 1803.9 and 1808.3, every retail installment contract shall be contained in a single document which shall contain:

(a) The entire agreement of the parties with respect to the cost and terms of payment for the goods and services, including any promissory notes or any other evidences of indebtedness between the parties relating to the transaction.

(b) Either at the top of the contract or directly above the space reserved for the signature of the buyer, the words "Security Agreement" or "Lien Contract," as the case may be, shall appear in at least 10-point bold type where a security interest in the goods is retained or a lien on other goods or realty is obtained by the seller as security for the goods or services purchased. Either at the top of the contract or directly above the space reserved for the signature of the buyer, the

words "Retail Installment Contract" shall appear in at least 10-point bold type where security is not obtained by the seller for the goods or services purchased.

(c) A notice in at least eight-point bold type reading as follows: "Notice to the buyer: (1) Do not sign this agreement before you read it or if it contains any blank space. (2) You are entitled to a completely filled-in copy of this agreement. (3) Under the law, you have the right to pay off in advance the full amount due and to obtain a partial refund of the service charge." (The seller shall explain in this notice the method of computing the unearned portion of the finance charge and the conditions under which the partial refund will be made.)

SEC. 6. Section 1803.3 of the Civil Code is amended to read:

1803.3. Except as provided in Article 8 of this chapter, a contract shall contain the following:

(a) The names of the seller and the buyer, the place of business of the seller, the residence or place of business of the buyer as specified by the buyer and a description of the goods or services sufficient to identify them. Services or multiple items of goods may be described in general terms and may be described in detail sufficient to identify them in a separate writing.

(b) The cash price of the goods, services and accessories which are the subject matter of the retail installment sale.

(c) The amount of the buyer's downpayment, itemizing the amounts paid in money and in goods and containing a brief description of the goods, if any, traded in.

(d) The difference between item (b) and item (c), which is the unpaid balance of cash price.

(e) The amount, if any, included for insurance, specifying the coverages.

(f) The amount, if any, of official fees.

(g) The unpaid balance, which is the sum of items (d), (e), and (f).

(h) The amount of the service charge, if any.

(i) The total of payments, which is the sum of items (g) and (h), payable by the buyer to the seller, the number of installments required, the amount of each installment expressed in dollars and the due date or period thereof.

(j) The deferred payment price.

(k) Any "balloon payments," as described in Section 1807.3.

The items need not be stated in the sequence or order set forth above; additional items may be included to explain the computations made in determining the amount to be paid by the buyer.

SEC. 7. Section 1806.2 of the Civil Code is amended to read:

1806.2. At any time after its execution, but not later than one year after the last payment thereunder, the holder of a

contract shall, upon written request of the buyer made in good faith, promptly give or forward to the buyer a detailed written statement which will state with accuracy the total amount, if any, unpaid thereunder. Such a statement shall be supplied by the holder once each year without charge; if any additional statement is requested by the buyer, the holder shall supply such statement to the buyer at a charge not exceeding one dollar ($1) for each additional statement supplied to the buyer. The provisions of this section shall apply only to those transactions wherein, instead of periodic statements of account, the buyer is provided with a passbook or payment book in which all payments, credits, charges and the unpaid balance is entered.

SEC. 8. Section 1807.3 of the Civil Code is amended to read:

1807.3. If any payment under a contract is more than twice the amount of an otherwise regularly scheduled equal payment, the creditor shall identify the amount of such payment by the term "balloon payment," and the buyer, upon default of this installment, shall be given an absolute right to obtain a new payment schedule. Unless agreed to by the buyer, the periodic payments under the new schedule shall not be substantially greater than the average of the preceding installments.

SEC. 9. Section 1808.1 of the Civil Code is amended to read:

1808.1. A retail installment contract which otherwise conforms to the requirements of this chapter, may contain the provision that the seller may at his option add subsequent purchases made by the buyer to the contract, and that the total price of the goods or services covered by the contract shall be increased by the price of such additional goods or services, and that all service charges and installment payments may at the seller's option be increased proportionately, and that all terms and conditions of the contract shall apply equally to such additional goods or services. The contract may also provide that the goods purchased under the previous contract or contracts shall be security for the goods purchased under the subsequent contract but only until such time as the total of payments under the previous contract or contracts is fully paid.

SEC. 10. Section 1808.2 of the Civil Code is amended to read:

1808.2. (a) When a subsequent purchase is made, the entire amount of all payments made previous thereto shall be deemed to have been applied toward the payment of the previous time sale price or time sale prices. Each payment thereafter received shall be deemed (subject to the exception in subdivision (b)) to be allocated to all of the various time sale prices in the same proportion or ratio as the original cash sale prices of the various purchases bear to one another;

where the amount of each installment payment is increased in connection with the subsequent purchase, the subsequent payments (at the seller's election) may be deemed to be allocated as follows: an amount equal to the original rate, to the previous time sale price, and an amount equal to the increase, to the subsequent time sale price. However, the amount of any initial or down payment on the subsequent purchase shall be deemed to be allocated in its entirety to such purchase.

(b) If a credit sale is one of a series of transactions made pursuant to an agreement providing for the addition of the amount financed plus the finance charge for the current sale to an existing outstanding balance, and the disclosures required under this article are delayed until some date prior to the date the first payment for that sale is due; and

(1) The customer has approved in writing both the annual percentage rate or rates and the method of treating any unearned finance charge on an existing outstanding balance in computing the finance charge or charges; and

(2) The seller retains no security interest in any property as to which he has received payments aggregating the amount of the sale price including any finance charges attributable thereto;

then, for the purposes of this subdivision, in the case of items purchased on different dates, the first purchased shall be deemed first paid for, and in the case of items purchased on the same date, the lowest priced shall be deemed first paid for.

SEC. 11. Section 1808.3 of the Civil Code is amended to read:

1808.3. When a subsequent purchase is made the seller shall deliver to the buyer, prior to the due date of the first installment, a memorandum which shall set forth the following:

(a) The names of the seller and the buyer, the place of business of the seller, the residence or place of business of the buyer as specified by the buyer and a description of the goods and services sufficient to identify them. Services or multiple items of goods may be described in general terms and may be described in detail in a separate writing.

(b) The cash price of the goods, services and accessories which are the subject matter of the new retail installment sale.

(c) The amount of the buyer's down payment, itemizing the amounts paid in money and in goods and containing a brief description of the goods, if any, traded in.

(d) The difference between item (b) and item (c), which is the unpaid balance of cash price.

(e) The amount, if any, included for insurance, specifying the coverages.

(f) The amount, if any, of official fees.

(g) The unpaid balance, which is the sum of items (d), (e) and (f).

(h) The total of payments of the prior contract or contracts.

(i) The new total of payments, which is the sum of items (g) and (h).

(j) The amount of the service charge computed in conformity with Section 1808.5.

(k) The consolidated total of payments, which is the sum of items (i) and (j), payable by the buyer to the seller, the number of installments required, the amount of each installment expressed in dollars and the due date or period thereof.

(*l*) Any "balloon payments," as described in Section 1807.3.

The items need not be stated in the sequence or order set forth above; additional items may be included to explain the computations made in determining the amount to be paid by the buyer.

This memorandum shall contain the statement that the seller is adding the subsequent purchase to the buyer's existing contract in accordance with the provisions thereof.

SEC. 12. Section 1810.1 of the Civil Code is repealed.

SEC. 13. Section 1810.1 is added to the Civil Code, to read:

1810.1. Notwithstanding any other provision of this article to the contrary, before the first transaction is made on any open end credit account, the creditor shall disclose to the customer in a single written statement, which the customer may retain, in terminology consistent with the requirements of Section 1810.3, each of the following items, to the extent applicable:

(a) The conditions under which a finance charge may be imposed, including an explanation of the time period, if any, within which any credit extended may be paid without incurring a finance charge.

(b) The method of determining the balance upon which a finance charge may be imposed.

(c) The method of determining the amount of the finance charge, including the method of determining any minimum, fixed, check service, transaction, activity, or similar charge, which may be imposed as a finance charge.

(d) Where one or more periodic rates may be used to compute the finance charge, each such rate, the range of balances to which it is applicable, and the corresponding annual percentage rate determined by multiplying the periodic rate by the number of periods in a year.

(e) The conditions under which any other charges may be imposed, and the method by which they will be determined.

(f) The conditions under which the creditor may retain or acquire any security interest in any property to secure the payment of any credit extended on the account, and a description or identification of the type of the interest or interests which may be so retained or acquired.

(g) The minimum periodic payment required.

SEC. 14. Section 1810.2 of the Civil Code is repealed.

SEC. 15. Section 1810.3 of the Civil Code is repealed.

SEC. 16. Section 1810.4 of the Civil Code is amended and renumbered to read:

1810.2. Subject to the other provisions of this article the seller or holder of a retail installment account may charge, receive and collect the service charge authorized by this chapter. The service charge shall not exceed the following rates computed on the outstanding balances from month to month:

(a) On so much of the outstanding balance as does not exceed one thousand dollars ($1,000), 1½ percent.

(b) If the outstanding balance is more than one thousand dollars ($1,000), 1 percent on the excess over one thousand dollars ($1,000) of the outstanding balance.

(c) If the service charge so computed is less than one dollar ($1) for any month, one dollar ($1).

(d) The service charge may be computed on a schedule of fixed amounts if as so computed it is applied to all amounts of outstanding balances equal to the fixed amount minus a differential of not more than five dollars ($5), provided that it is also applied to all amounts of outstanding balances equal to the fixed amount plus at least the same differential.

SEC. 17. Section 1810.5 of the Civil Code is amended and renumbered to read:

1810.3. (a) Except in the case of an account which the creditor deems to be uncollectable or with respect to which delinquency collection procedures have been instituted, the creditor of any open end credit account shall mail or deliver to the customer, for each billing cycle at the end of which there is an outstanding debit balance in excess of one dollar ($1) in that account or with respect to which a finance charge is imposed, a statement or statements which the customer may retain, setting forth in accordance with subdivision (b) each of the following items to the extent applicable:

(1) The outstanding balance in the account at the beginning of the billing cycle, using the term "previous balance."

(2) The amount and date of each extension of credit or the date such extension of credit is debited to the account during the billing cycle and, unless previously furnished, a brief identification of any goods or services purchased or other extension of credit.

(3) The total amounts credited to the account during the billing cycle for payments, using the term "payment," and for other credits including returns, rebates of finance charges, and adjustments, using the term "credits," and unless previously furnished, a brief identification of each of the items included in such other credits.

(4) The amount of any finance charge, using the term "finance charge," debited to the account during the billing cycle, itemized and identified to show the amounts, if any, due to the application of periodic rates and the amount of any other charge included in the finance charge, such as a minimum, fixed, check service, transaction, activity, or similar charge, using appropriate descriptive terminology.

(5) Each periodic rate, using the term "periodic rate" (or "rates"), that may be used to compute the finance charge (whether or not applied during the billing cycle), and the range of balances to which it is applicable.

(6) The balance on which the finance charge was computed, and a statement of how that balance was determined. If any balance is determined without first deducting all credits during the billing cycle, that fact and the amount of such credits shall also be disclosed.

(7) The closing date of the billing cycle and the outstanding balance in the account on that date, using the term "new balance," accompanied by the statement of the date by which, or the period, if any, within which, payment must be made to avoid additional finance charges.

(b) The disclosures required by subdivision (a) shall be made on the face of the periodic statement, on its reverse side, or on the periodic statement supplemented by separate statement forms provided they are enclosed together and delivered to the customer at the same time, and further provided that

(1) The disclosures required by subdivision (a) shall appear on the face of the periodic statement. If the amounts and dates of the charges and credits required to be disclosed under paragraphs (2) and (3) of subdivision (a) are not itemized on the face or reverse side of the periodic statement, they shall be disclosed on a separate statement or separate slips which shall accompany the periodic statement and identify each charge and credit and show the date and amount thereof. If the disclosures required under paragraph (4) of subdivision (a) are not itemized on the face or reverse side of the periodic statement, they shall be disclosed on a separate statement which shall accompany the periodic statement.

(2) The disclosures required by paragraph (5) of subdivision (a) and a reference to the amounts required to be disclosed under paragraphs (4) and (6) of subdivision (a), if not disclosed together on the face or the reverse side of the periodic statement, shall appear together on the face of a single supplemental statement which shall accompany the periodic statement.

(3) The face of the periodic statement shall contain one of the following notices, as applicable: "NOTICE: See reverse side for important information" or "NOTICE: See accompanying statement(s) for important information" or "NOTICE: See reverse side and accompanying statement(s) for important information;" and

(4) The disclosures shall not be separated so as to confuse or mislead the customer or obscure or detract attention from the information required to be disclosed.

(c) If any change is to be made in terms of an open end credit account plan previously disclosed to the customer, the creditor shall mail or deliver to the customer written disclosure of such proposed change not less than 30 days prior

to the effective date of such change or 30 days prior to the beginning of the billing cycle within which such change will become effective, whichever is the earlier date.

SEC. 18. Section 1810.6 of the Civil Code is amended and renumbered to read:

1810.4. The service charge shall include all charges incident to investigating and making the retail installment account. No fee, expense, delinquency, collection or other charge whatsoever shall be taken, received, reserved or contracted by the seller or holder of a retail installment account except as provided in this section. A seller may, however, in an agreement which is signed by the buyer and of which a copy is given or furnished to the buyer provide for the payment of attorney's fees and costs in conformity with Article 11 (commencing with Section 1811.1) of this chapter.

SEC. 19. Section 1810.7 of the Civil Code is amended and renumbered to read:

1810.5. If the cost of any insurance is to be separately charged to the buyer, there shall be an agreement to this effect, signed by both the buyer and the seller, a copy of which shall be given or furnished to the buyer. Such agreement shall state whether the insurance is to be procured by the buyer or the seller or holder. If the insurance is to be procured by the seller or holder, the seller or holder shall comply with the provisions of Section 1803.5.

SEC. 20. Section 1810.8 of the Civil Code is amended and renumbered to read:

1810.6. Nothing in this article prohibits the execution of an agreement between a buyer and seller whereby the seller retains a security interest in goods sold to the buyer until full payment therefor has been made. The provisions of Section 1808.2 are applicable to goods sold under such an agreement.

SEC. 21. Section 1810.9 of the Civil Code is amended and renumbered to read:

1810.7. No retail installment account shall require or entail the execution of any note or series of notes by the buyer which when separately negotiated will cut off as to third parties any right of action or defense which the buyer may have against the seller.

SEC. 22. Section 1810.10 of the Civil Code is amended and renumbered to read:

1810.8. The provisions of Sections 1806.1 and 1806.4 shall be applicable to retail installment accounts.

SEC. 23. Section 1810.11 of the Civil Code is amended and renumbered to read:

1810.9. Nothing in this article shall be construed to affect the validity of any agreement or contractual relationship entered into prior to January 1, 1960, except that any rate in excess of that allowed by this article shall be reduced to the permissible rate on or before January 1, 1960.

SEC. 24. It is the intent of the Legislature, by this act, to essentially conform the "Unruh Act," dealing with credit sales, to regulations promulgated under the federal Truth in Lending Act (15 U.S.C. 1601 et seq.) with respect to requirements of disclosure of information between the seller or creditor and the buyer or customer. However, it is not the intent of the Legislature, by this act, to change existing state law with respect to the regulation of finance charges and rates.

CHAPTER 626

An act to amend Sections 25302 and 25608 of the Corporations Code, relating to the Corporate Securities Law of 1968.

[Approved by Governor July 28, 1969 Filed with Secretary of State July 28, 1969]

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

SECTION 1. Section 25302 of the Corporations Code is amended to read:

25302. (a) No person shall publish any advertisement concerning any security in this state after the commissioner finds that the advertisement contains any statement that is false or misleading or omits to make any statement necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading and so notifies the person in writing. Such notification may be given summarily without notice or hearing. At any time after the issuance of a notification under this section, the person desiring to use the advertisement may in writing request that the order be rescinded. Upon the receipt of such a written request, the matter shall be set down for hearing to commence within 15 days after such receipt unless the person making the request consents to a later date. After such hearing, which shall be conducted in accordance with the provisions of the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, the commissioner shall determine whether to affirm and continue or to rescind such order, and the commissioner shall have all of the powers granted under such act.

(b) This section does not apply to any advertisement for any security which is subject to the supervision, regulation or examination of any of the following:

(1) The Insurance Commissioner.
(2) The Savings and Loan Commissioner.
(3) The Superintendent of Banks.
(4) The Public Utilities Commission.
(5) The Federal Home Loan Bank Board.
(6) The Federal Savings and Loan Insurance Corporation.
(7) The Comptroller of the Currency of the United States.

(8) The Federal Deposit Insurance Corporation.

(9) The Board of Governors of the Federal Reserve System.

SEC. 2. Section 25608 of the Corporations Code is amended to read:

25608. (a) The commissioner shall charge and collect the fees fixed in this section. All fees charged and collected under this section shall be transmitted to the State Treasurer at least weekly, accompanied by a detailed statement thereof and shall be credited to the General Fund.

(b) The fee for filing an application for a negotiating permit under subdivision (c) of Section 25102 is fifty dollars ($50).

(c) The fee for filing a notice pursuant to clause 5 of subdivision (h) of Section 25102 is twenty-five dollars ($25).

(d) The fee for filing an application for designation of an issuer pursuant to subdivision (k) of Section 25100 is fifty dollars ($50).

(e) The fee for filing an application for qualification of the sale of securities by notification under Section 25112 or by permit under Section 25113 (except applications for qualification by permit of the sale of any guarantee of any security, the fees for which applications are fixed in subdivision (j) of this section) is one hundred dollars ($100) plus one-tenth of 1 percent of the aggregate value of the securities sought to be sold in this state up to a maximum aggregate fee of one thousand five hundred dollars ($1,500).

(f) The fee for filing an application for qualification of the sale of securities by coordination under Section 25111 is one hundred dollars ($100) plus one-tenth of 1 percent of the aggregate value of the securities sought to be sold in this state up to a maximum aggregate fee of one thousand one hundred dollars ($1,100).

(g) For the purpose of determining the fees fixed in subdivisions (e) and (f):

(1) The value of the securities shall be the price at which the company proposes to sell the securities, or the value, as alleged in the application, or the actual value, as determined by the commissioner, of the consideration (if other than money) to be received in exchange therefor, or of the securities when sold, whichever is greater.

(2) Interim or voting trust certificates shall have a value equal to the aggregate value of the securities to be represented by the interim or voting trust certificates.

(3) The value of a warrant or right to purchase or subscribe to another security of the same or another issuer shall be an amount equal to the consideration to be paid for such warrant or right plus an amount equal to the consideration to be paid upon purchase of the additional securities, provided that if such latter amount is not determinable at the time of qualification, such amount shall be the then value of such additional securities as determined by the commissioner.

(4) In the case of a share dividend where the shareholders are given an option to accept either cash or additional shares of common stock, the value of the securities to be sold shall be the maximum amount of cash which would be payable in the event that all shareholders elected to accept cash.

(h) The fee for filing an application for qualification of the sale of securities by permit under Section 25121 is:

(1) One hundred dollars ($100) in connection with any change (including any stock split or reverse stock split or stock dividend, except a stock dividend where the shareholders are given an option to accept either cash or additional shares of common stock) in the rights, preferences, privileges, or restrictions of or on outstanding securities;

(2) One hundred dollars ($100) plus one-tenth of 1 percent of the value, as alleged in the application, or the actual value, as determined by the commissioner, of the consideration to be received in exchange therefor, up to a maximum aggregate fee of one thousand five hundred dollars ($1,500), in any exchange of securities by the issuer with its existing security holders exclusively, or in any exchange in connection with any merger or consolidation or purchase of corporate assets in consideration of the issuance of securities.

(i) The fee for filing an application for qualification of the sale of securities by notification under Section 25131 and the fee for an application for the removal of any condition under Section 25141 is twenty-five dollars ($25).

(j) The fee for filing any application for a permit to execute or issue any guarantee of any security is fifty dollars ($50).

(k) The fee for acting as escrow holder for securities under Section 25149 is fifty dollars ($50). In addition, a fee of two dollars and fifty cents ($2.50) shall be paid for the deposit with the commissioner of each new certificate or other document resulting from a transfer in escrow.

(*l*) The fee for filing an application for an order (1) consenting to the transfer in escrow of securities, (2) consenting to the transfer of securities subject to any condition imposed by the commissioner requiring the commissioner's consent to such transfer, or (3) consenting to the transfer of securities subject to a legend stamped or printed on the certificates evidencing such securities pursuant to subdivision (h) of Section 25102, is ten dollars ($10) for each transferor.

(m) The filing fee for an amendment to an application filed after the effective date of the qualification of the sale of securities is fifty dollars ($50) plus any additional fee which would have been required to be paid with the original application for qualification of the sale of securities under this section if the matters set forth in the amendment had been included in the original application.

(n) (1) The fee for filing an application for a certificate as a broker-dealer under Section 25211 is two hundred dollars ($200) for the first office or location and seventy dollars ($70) for each additional office or location in California. Thereafter, every broker-dealer who has secured from the commissioner a certificate shall, in order to keep such certificate in effect, pay for each calendar year following the calendar year in which such certificate was secured, an annual renewal fee of two hundred dollars ($200) for the first office or location and seventy dollars ($70) for each additional office or location in California on or before the 15th day of December of the year preceding the calendar year for which such fee is payable.

(2) If, after a certificate has been issued to any broker-dealer operating as a partnership, there is a change of interest affecting less than twenty-five percent (25%) of the whole interest therein, a new application need not be made, but there shall be filed with the commissioner, accompanied by payment of a fee of ten dollars ($10), written notice of the change, stating the names and addresses of the partners and their respective interests, and any other information which may be required by the commissioner, together with evidence satisfactory to the commissioner that any bond theretofore filed by the broker-dealer is and will be maintained in good standing notwithstanding the change. The commissioner may, in his discretion, require a new application, in which event the procedure and fee shall be the same as upon an original application for a certificate as a broker-dealer. If the commissioner approves the change without a new application, the certificate theretofore issued and in force and any agents' certificates theretofore issued to agents of the partnership and then in force continue in full force and effect.

(o) The fee for filing an application for a certificate as an agent under Section 25211 is thirty-five dollars ($35). Thereafter, every agent who has secured from the commissioner a certificate shall, in order to keep such certificate in effect, pay for each calendar year following the calendar year in which such certificate was secured an annual renewal fee of thirty-five dollars ($35) on or before the 15th day of December of the year preceding the calendar year for which such fee is payable.

(p) The fee for filing an application for a certificate to act as an investment adviser under Section 25231 is one hundred dollars ($100). Thereafter, every investment adviser who has secured from the commissioner a certificate shall, in order to keep such certificate in effect, pay for each calendar year following the calendar year in which such certificate was secured, an annual renewal fee of one hundred dollars ($100) on or before the 15th day of December of the year preceding the calendar year for which such fee is payable.

(q) The fee for any examination, audit, or investigation is the actual amount of the salary or other compensation paid to

the persons making the examination, audit, or investigation plus the actual amount of expenses reasonably incurred in the performance of the work.

(r) The fee for any hearing held by the commissioner pursuant to Section 25142 shall be the sum determined by the commissioner to cover the actual expense of noticing and holding such hearing.

(s) The commissioner may fix by rule a reasonable charge for any publications issued under his authority; provided, however, that such charges shall not be applicable to reports of the commissioner in the ordinary course of distribution.

SEC. 3. Subdivision (o) of Section 25608 of the Corporation Code as amended by Section 2 of this act shall become operative on January 1, 1970.

CHAPTER 627

An act to add Section 1231 to the Government Code, relating to state officers and agencies, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 30, 1969. Filed with Secretary of State July 30, 1969.]

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

SECTION 1. Section 1231 is added to the Government Code, to read:

1231. On or after June 30, 1969, no state officer or employee shall be deemed to have a break in service or to have terminated his employment, for any purpose, nor to have incurred any change in his authority, status, or jurisdiction or in his salary or other conditions of employment, solely because of the failure to enact a budget bill for the 1969–1970 fiscal year prior to the end of the preceding fiscal year.

Every person who entered state service on July 1, 2, or 3, 1969, shall be deemed a state officer or employee, as the case may be, from the time he entered state service, notwithstanding the failure to enact a budget bill for the 1969–1970 fiscal year prior to his entry into service.

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 failure to enact a budget bill at the 1969 Regular Session of the Legislature has created serious questions regarding the continuity of employment of state personnel.

CHAPTER 628

An act to amend Sections 5020 and 5021 of the Public Resources Code, and Sections 5 and 6 of Chapter 212 of the Statutes of 1967, relating to historical sites and events, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 30, 1969. Filed with Secretary of State July 30, 1969.]

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

SECTION 1. Section 5020 of the Public Resources Code is amended to read:

5020. (a) The Governor is hereby authorized to appoint an Historical Landmarks Advisory Committee of seven members to include such professional persons in the fields of history, architecture, archaeology, and such other disciplines as he may deem are best qualified to carry out the purposes of this article and who shall serve without compensation and shall hold office for a term of four years.

(b) The Historical Landmarks Advisory Committee shall have authority:

1. To make a census of all existing historical buildings or landmarks heretofore registered by the Department of Natural Resources, or privately marked by the Native Sons and Daughters of the Golden West, or privately marked by any other public agency or local historical society.

2. To conduct a continuing survey of all important historical sites in the state, whether previously registered or not, and recommend to the department those which, in its opinion, shall be officially registered.

3. To receive and consider applications from any governmental agency, historical association or private individuals for the designation and registration of any historical building, landmark or point of historical interest.

4. To recommend to the department the qualifications for acceptance of registered historical buildings, landmarks and points of historical interest which shall include but are not limited to military, political, agricultural, educational, economic and cultural events and locations within the state.

5. To recommend to the department the type of plaque and the descriptive material to be included thereon to be required before marking any historical landmark or building.

6. To recommend to the department those historical buildings and landmarks which it determines are qualified for marking.

7. To recommend to the department those points of historical interest which it determines are qualified for a sign indicating "Point of Historical Interest" and appropriate directional signs.

8. To maintain a comprehensive record of all archaeological sites in California and may obtain data for such record from all appropriate sources, including schools, museums, historical and other societies, and field investigation.

(c) The term "landmarks" in this article shall mean historical buildings, sites and places deemed important in the economic, social, political, military and cultural annals of California.

SEC. 2. Section 5021 of the Public Resources Code is amended to read:

5021. The department shall consider all recommendations made by the Historical Landmarks Advisory Committee and shall register historical landmarks and points of historical interest which in its judgment are of sufficient historical interest to warrant registration under this article. The department shall maintain a register which shall identify by number and description such historical landmarks and points of historical interest.

The department may publish results of office and field archaeological investigation annually and shall issue additional publications, such as detailed site reports and area resource reports, as necessary, to inform the public and educational institutions.

SEC. 3. Section 5 of Chapter 212 of the Statutes of 1967 is amended to read:

Sec. 5. The commission shall have the powers and authority necessary to carry out the duties imposed upon it by this act, including, but not limited to, the authority to employ such administrative, technical and other personnel as may be necessary for the performance of its powers and duties.

The commission may obtain and sell commemorative medallions, booklets, and similar artifacts in connection with the California Bicentennial Celebration.

SEC. 4. Section 6 of Chapter 212 of the Statutes of 1967 is amended to read:

Sec. 6. For purposes of this act, the commission may accept any gifts, donations or bequests, and may accept grants of funds from private and public agencies. Any gift, donation, bequest or grant received pursuant to this section shall be deposited in the California Bicentennial Celebration Fund, which is hereby created in the State Treasury. The money in the California Bicentennial Celebration Fund is appropriated, without regard to fiscal years, for purposes of this act. The commission may expend any money in the fund for promotion and advertising, for participation in local events related to the purposes of this act, and for any purpose related to the purposes of this act and specified in the gift, donation, bequest or grant.

All funds derived from the sale of commemorative medallions, booklets, and similar artifacts in connection with the California Bicentennial Celebration shall be deposited in the

California Bicentennial Celebration Fund and are appropriated to the commission without regard to fiscal years for the purposes of this chapter.

SEC. 5. Notwithstanding the provisions of Section 5020 of the Public Resources Code, members shall be appointed to the Historical Landmarks Advisory Committee pursuant to the requirements of Section 5020 of the Public Resources Code, as amended at the 1969 Regular Session of the Legislature, in accordance with the following schedule:

(a) Two members commencing January 15, 1970.
(b) Two members commencing January 15, 1971.
(c) Two members commencing January 15, 1972.
(d) One member commencing January 15, 1973.

Until such time as a member of the committee has been appointed pursuant to the foregoing schedule to fill a position, that position on the committee shall be filled by a person appointed pursuant to the provisions of Section 5020 of the Public Resources Code as they existed prior to the amendment of such section at the 1969 Regular Session of the Legislature. In making appointments pursuant to the foregoing schedule, it is the intent of the Legislature that on each date indicated additional members of the Historical Landmarks Advisory Committee, as specified, shall be required to meet the qualifications of Section 5020 of the Public Resources Code, as amended at the 1969 Regular Session of the Legislature, until all seven members meet such qualifications.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for the California Bicentennial Commission to obtain the funds necessary for it to meets its obligation to plan the bicentennial celebration this year and in 1970, it is essential that this act go into immediate effect.

CHAPTER 629

An act to add Section 61623.4 to the Government Code, and to add Section 31121 to the Water Code, relating to fire protection.

[Approved by Governor July 31, 1969. Filed with Secretary of State July 31, 1969.]

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

SECTION 1. Section 61623.4 is added to the Government Code, to read:

61623.4. A district may exercise any of the powers, functions, and duties which are vested in, or imposed upon, a fire

protection district pursuant to the Fire Protection District Law of 1961, Part 2.7 (commencing with Section 13801), Division 12 of the Health and Safety Code if the petition for formation of the district included fire protection among the designated purposes for which it was formed, or if the district adopts fire protection as an additional purpose of the district pursuant to Section 61601.

If the district includes any part of a city, fire protection district, or other local agency which provides fire protection service to any territory in the district, the district shall have no authority pursuant to this section regarding the prevention and suppression of fires in such territories, unless such district has obtained the consent of such city, fire protection district, or other local agency.

SEC. 2. Section 31121 is added to the Water Code, to read:

31121. A district which provides fire protection services may exercise any of the powers, functions, and duties which are vested in, or imposed upon, a fire protection district pursuant to the Fire Protection District Law of 1961, Part 2.7 (commencing with Section 13801), Division 12 of the Health and Safety Code.

If the district includes any part of a city, fire protection district, or other local agency which provides fire protection service to any territory in the district, the district shall have no authority pursuant to this section regarding the prevention and suppression of fires in such territories, unless such district has obtained the consent of such city, fire protection district, or other local agency.

CHAPTER 630

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

[Approved by Governor July 31, 1969. Filed with Secretary of State July 31, 1969.]

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

SECTION 1. The Department of Public Works may transfer, at a nominal price to be determined by the department, such ferries acquired upon completion of the San Diego-Coronado Toll Bridge as are of wooden construction and were built prior to 1940 to state or local governmental agencies, upon condition that the acquiring agency use such ferry or ferries for a public purpose; specifically, for historical, cultural, educational, or transportational purposes.

The department shall call for bids for such ferries from state and local governmental agencies at such nominal price as has been determined by it, and, in the call for bids shall

provide such notification as is necessary to afford all state and local governmental agencies in this state an adequate opportunity to place their bids.

Each bid shall specify, in such detail as may be prescribed by the department, the proposal for use of such ferry or ferries. If more than one bid is placed for the same ferry, the department shall determine which of the bidding agencies should receive it upon the basis of which agency will, in the department's opinion, use the acquired ferry in a manner resulting in the greatest benefit to the people of this state.

No agency may sell any fittings, equipment, or parts of any acquired ferry. If the department determines that any fittings, equipment, or parts of a ferry to be transferred will not be necessary for the proposed use of such ferry, the department shall reserve the right to sell such fittings, equipment, or parts, and the proceeds from any such sale shall go to the department.

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 ferries acquired by the Department of Public Works upon completion of the San Diego-Coronado Toll Bridge may be put to a use beneficial to the people of this state at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 631

An act to amend Section 22357 of the Vehicle Code, relating to local speed limits.

[Approved by Governor July 31, 1969. Filed with Secretary of State July 31, 1969.]

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

SECTION 1. Section 22357 of the Vehicle Code is amended to read:

22357. Whenever a local authority determines upon the basis of an engineering and traffic survey that a speed greater than 25 miles per hour would facilitate the orderly movement of vehicular traffic and would be reasonable and safe upon any street other than a state highway otherwise subject to a prima facie limit of 25 miles per hour, the local authority may by ordinance determine and declare a prima facie speed limit of 30, 35, 40, 45, 50, 55, or 60 miles per hour or a maximum speed limit of 65 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe. The declared prima facie or maximum speed limit shall be effective when appropriate signs

giving notice thereof are erected upon the street and shall not thereafter be revised except upon the basis of an engineering and traffic survey. The provisions of this section shall not apply in respect to any 25-mile-per-hour prima facie limit which is applicable when passing a school building or the grounds thereof.

CHAPTER 632

An act to amend Sections 22356 and 36508 of the Vehicle Code, relating to vehicles.

[Approved by Governor July 31, 1969. Filed with Secretary of State July 31, 1969.]

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

SECTION 1. Section 36508 of the Vehicle Code is amended to read:

36508. (a) A "slow-moving vehicle emblem" may be displayed on any implement of husbandry which is being driven or moved at a speed of 25 miles per hour or less. The emblem shall be mounted on the rear of the vehicle, base down and at a height of not less than 3 nor more than 5 feet from ground to base. Such emblem shall consist of a truncated equilateral triangle having a minimum height of 14 inches with a red reflective border not less than 1¾ inches in width and a fluorescent orange center.

(b) After July 1, 1970, no new implement of husbandry designed or intended by the manufacturer to be driven at a speed not in excess of 25 miles per hour shall be sold in this state unless it is equipped by the manufacturer with a slow-moving vehicle emblem as prescribed by this section, and such an emblem shall thereafter be displayed and maintained on such implement of husbandry while the implement is able to be operated.

(c) This emblem shall not be displayed except as permitted by this section.

SEC. 2. Section 36508 of the Vehicle Code is amended to read.

36508. (a) After July 1, 1970, no new implement of husbandry designed or intended by the manufacturer to be operated or moved at a speed not in excess of 25 miles per hour shall be sold in this state unless it is equipped by the manufacturer with a slow-moving vehicle emblem as prescribed by Section 24615, and such an emblem shall thereafter be displayed and maintained on such implement of husbandry while the implement is able to be operated upon a public highway.

SEC. 3. It is the intent of the Legislature, if amendments to Section 36508 of the Vehicle Code proposed by both this bill and Senate Bill No. 40 are enacted, that both amendments

be given effect and incorporated in Section 36508 in the form set forth in Section 2 of this act. Therefore, in the event Senate Bill No. 40 is enacted and amends Section 36508, Section 2 of this act shall become operative at the same time that Section 36508, as amended by Senate Bill No. 40 becomes operative, and at that time, Section 36508 of the Vehicle Code as amended by Section 1 of this act is repealed.

SEC. 4. Section 22356 of the Vehicle Code is amended to read:

22356. Whenever the Department of Public Works, after consultation with the Department of the California Highway Patrol, determines upon the basis of an engineering and traffic survey on existing freeway segments, or upon the basis of appropriate design standards and projected traffic volumes in the case of newly constructed freeway segments, that a speed greater than 65 miles per hour would facilitate the orderly movement of vehicular traffic and would be reasonable and safe upon any state highway or portion thereof which is a freeway with full control of access and without crossings at grade otherwise subject to a maximum speed limit of 65 miles per hour, the Secretary of the Business and Transportation Agency may declare a higher maximum speed of 70 miles per hour, and shall cause appropriate signs to be erected giving notice thereof.

No person shall drive a vehicle upon such highway at a speed greater than 70 miles per hour.

CHAPTER 633

An act to amend Section 48054 of, and to add Section 48059 to, the Agricultural Code, relating to lettuce.

[Approved by Governor July 31, 1969 Filed with Secretary of State July 31, 1969.]

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

SECTION 1. Section 48054 of the Agricultural Code is amended to read:

48054. Any head lettuce which is prepared for transportation or sale shall be packed in standard container number 45, 45A, or 45B, which is lidded except any of the following head lettuce:

(a) Head lettuce which is in a retail establishment in the possession of a retailer for the purpose of resale directly to consumers.

(b) Head lettuce which is sold by a producer that is regularly engaged in the production of lettuce, directly to consumers on the premises where the lettuce is produced or

lettuce at a retail stand which is operated by such producer near the point of production.

(c) Head lettuce which is prepared for transportation, transported, or sold by a producer or jobber of lettuce in containers which contain less than 18 heads of lettuce for sale to retail stores of not more than one such container per sale.

(d) Lettuce which is sold to the armed forces of the United States government or for export markets other than Canada or Mexico.

(e) Head lettuce, which is used for chopping and shredding and transported and sold under permit of the director, in accordance with Section 48059.

SEC. 2. Section 48059 is added to the Agricultural Code, to read:

48059. The director may by regulation establish quality standards for head lettuce to be used for chopping and shredding, prior to chopping or shredding, in conjunction with standards for lettuce which has been chopped or shredded and packaged. He may also establish regulations for granting, denial, suspension and revocation of permits to insure compliance with this chapter and the regulations promulgated thereunder, including the transportation and sale of the product to be used for chopping or shredding.

CHAPTER 634

An act to amend Section 38933 of, and to add Section 38933.5 to, the Agricultural Code, relating to products resembling milk products, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 31, 1969. Filed with Secretary of State July 31, 1969.]

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

SECTION 1. Section 38933 of the Agricultural Code is amended to read:

38933. The application shall be accompanied by a fee of one hundred dollars ($100). The fee shall be prorated on a monthly basis for any licensee that commences operations after the first quarter in any calendar year whether or not such plant was licensed during the preceding calendar year.

SEC. 2. Section 38933.5 is added to the Agricultural Code, to read:

38933.5. Any person who is licensed to manufacture products resembling milk products for the 1969 calendar year and was also required to secure such a license for the period from November 13, 1968, to December 31, 1968, may obtain a prorated refund and a refund of any penalties paid thereon, upon written request to the director prior to January 1, 1970.

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

Chapter 1250 of the Statutes of 1968 establishes a new class of licenses for products resembling milk products. This act was effective November 13, 1968. Inadvertently the licensees were required to pay the full year's fee for the period from November 13 to December 31. This has caused economic hardship to many licensees and may adversely affect the supply of wholesome food products, so it is urgent that situation be corrected.

CHAPTER 635

An act to add Section 99013.5 to the Public Utilities Code, relating to public transit.

[Approved by Governor July 31, 1969. Filed with Secretary of State July 31, 1969.]

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

SECTION 1. Section 99013.5 is added to the Public Utilities Code, to read:

99013.5. Notwithstanding the provisions of Section 99013, if a rapid transit district is authorized to issue bonds subject to approval by a percentage of the electors voting other than $66\frac{2}{3}$ percent, such other percentage of the electors voting shall apply for purposes of the approval of bonds issued by the rapid transit district under this chapter.

CHAPTER 636

An act to amend Section 20504 of, and to add Article 3 (commencing with Section 20631) to Chapter 2 of Division 16 of the Education Code, relating to school district budgets.

[Approved by Governor July 31, 1969. Filed with Secretary of State July 31, 1969.]

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

SECTION 1. Section 20504 of the Education Code is amended to read:

20504. Except in districts where no district tax is levied and in elementary districts employing but one teacher, the publication budget for the ensuing school year to which it is intended to apply, showing the functions and objects of expenditure, cash balances, and all the appropriations from the state as required to be tabulated in Sections 20601–20602 of

this code for the ensuing and last preceding fiscal year, and the district tax requirement for the school year to which the publication budget is intended to apply and for the last preceding school year, including a summary of the district tax requirements for the ensuing fiscal year to be derived by levies on the secured roll as shown on the budget form prescribed for this purpose by the Superintendent of Public Instruction, shall be published by the county superintendent of schools at least once in a newspaper of general circulation published within the district, or if there is no such newspaper, then in any newspaper of general circulation in the district, prior to its adoption. The cost of the publication shall be a proper and legal charge against the school district or districts for which the publication is made, and shall not exceed the rate fixed by the board of supervisors for official advertising. Publication shall be made during the first week in June of each year, and shall contain a notice that a public hearing will be held before the governing board of the school district, in a schoolhouse in the district, or in some other place conveniently accessible to the residents of the district, between June 10 and June 25 at which any taxpayer in the district may appear and object to the proposed budget or any item of the budget. The hearing may be concluded on such publication budget when there are no requests on file for further hearing. The budget shall not be finally adopted by the governing board of the district until after the public hearing has been held. In the case of a school district or districts in which the average daily attendance of all said districts combined is in excess of 200,000, governed by the same governing board, the public hearing between June 10 and June 25 need not be held if there has been at least one public meeting on the publication budget prior to the first week of June, at which public meeting any changes proposed to be made in the publication budget for the final budget shall have been presented.

SEC. 1.5. Article 3 (commencing with Section 20631) is added to Chapter 2 of Division 16 of the Education Code, to read:

Article 3. Preparation of Budgets

20631. On or before the first day in April in each year, the superintendent of a school district shall file with the governing board of the school district and the county superintendent of schools a preliminary budget.

20632. On or before the 10th day of June in each year, the governing board of the school district shall file with the county superintendent of schools a tentative budget. The county superintendent of schools shall examine such budget to ascertain whether the provisions of Article 1 (commencing with Section 20601) of this chapter have been complied with.

20633. On or before June 30 in each year, the governing board of a school district shall adopt a final budget. Except in school districts where no district tax will be levied, the

budget shall not be finally adopted until at least one public hearing has been held at which any taxpayer in the district may appear and object to the proposed budget or any item of the budget. The hearing shall be held on a date not earlier than June 10, and not later than June 25 in each year. The county superintendent of schools shall, and the governing board of a school district may, give notice of such hearing by publication at least twice in a newspaper of general circulation published within the district, or if there is no such newspaper, then in any newspaper of general circulation in the district. Publication shall be made between June 1 and June 10 in each year, and shall contain a notice that a public hearing will be held before the governing board of the district, in a schoolhouse in the district, or in some other place conveniently accessible to the residents of the district, at which any taxpayer in the district may appear and object to the proposed budget or item of the budget. The cost of the publication shall be a proper and legal charge against the school district for which publication is made, and shall not exceed the rate fixed by the board of supervisors for official advertising.

The governing board of the school district shall keep on file for public inspection the tentative budget for a period commencing with June 10 and ending with the adoption of the final budget.

20634. On or before the 15th day of August, the governing board of each school district shall file with the county superintendent of schools and the State Superintendent of Public Instruction a copy of its final budget as adopted pursuant to Section 20633, which filing is deemed to satisfy the requirements of Section 20501 for the filing of an annual statement.

20635. On or before the 15th day of August, the county superintendent of schools shall file with the county board of supervisors and the county auditor a certified statement showing the amount of school district taxes required by each school district in the county.

20636. The chief administrative officer of a school district who fails or refuses to file the final budget of the school district adopted pursuant to Section 20633, within 20 days after receipt of a written notice to do so from the Superintendent of Public Instruction, shall forfeit to the state one thousand dollars ($1,000). Upon request of the Superintendent of Public Instruction, the Attorney General shall prosecute an action for such forfeiture in the name of the people of the State of California.

SEC. 2. Section 1.5 of this act shall become operative only if the maximum tax rates for school districts prescribed by Section 20751 of the Education Code and any other applicable provisions of the Education Code become inoperative, as specified in Section 20751.1 of the Education Code, and, in such case, at the same time as such maximum tax rates become inoperative.

CHAPTER 637

An act to amend Section 20624 of the Education Code, relating to school district budgeting and accounting.

[Approved by Governor July 31, 1969. Filed with Secretary of State July 31, 1969.]

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

SECTION 1. Section 20624 of the Education Code is amended to read:

20624. The provisions of this article, including the commission created under it, shall remain in effect until June 30, 1972.

CHAPTER 638

An act to amend Section 24000 of, and to add Section 24300.5 to, and to add Chapter 4.6 (commencing with Section 26980) to Part 3, Division 2, Title 3 of the Government Code, relating to county officers.

[Approved by Governor July 31, 1969. Filed with Secretary of State July 31, 1969.]

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

SECTION 1. Section 24000 of the Government Code is amended to read:

24000. The officers of a county are:

(a) A district attorney.
(b) A sheriff.
(c) A county clerk.
(d) A controller.
(e) An auditor, who shall be ex officio controller.
(f) A treasurer.
(g) A recorder.
(h) A license collector.
(i) A tax collector, who shall be ex officio license collector.
(j) An assessor.
(k) A superintendent of schools.
(*l*) A public administrator.
(m) A coroner.
(n) A surveyor.
(o) Members of the board of supervisors.
(p) A livestock inspector.
(q) A fish and game warden.
(r) A county librarian.
(s) A county health officer.
(t) An administrative officer.
(u) A director of finance.
(v) Such other officers as are provided by law.

SEC. 2. Section 24300.5 is added to Government Code, to read:

24300.5. In addition to the duties of the county offices which may be consolidated under the provisions of Section 24300, the board of supervisors may by ordinance consolidate the offices of auditor, controller, treasurer, tax collector, and director of finance.

SEC. 3. Chapter 4.6 (commencing with Section 26980) is added to Part 3, Division 2, Title 3 of the Government Code, to read:

CHAPTER 4.6. CONSOLIDATED OFFICE OF DIRECTOR OF FINANCE

26980. In any county having a population of 150,000 or more according to the 1960 census, the board of supervisors may establish the office of director of finance.

The board of supervisors shall submit to the electors of the county the question of whether the office of director of finance shall be established. If a majority of the voters voting on the question at such election favor the establishment of the office, the board of supervisors shall, by ordinance, create the office.

26981. The office of director of finance shall be consolidated with the offices of auditor, controller, tax collector, and treasurer and the director of finance shall have all the powers and duties of such offices so consolidated together with such other powers and duties as the board of supervisors may provide.

26982. The consolidation of the office of director of finance with any elective office shall become effective only upon the expiration of the current term of office of the incumbent of the office so consolidated.

26983. The board of supervisors of every county having the office of director of finance shall cause an annual, independent audit to be made of such office. The board of supervisors may request that the grand jury select such independent auditor.

CHAPTER 639

An act to amend Sections 4707, 4708, 4850, 4851 and 4853 of the Labor Code, relating to the Public Employees' Retirement System.

[Approved by Governor July 31, 1969. Filed with Secretary of State July 31, 1969.]

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

SECTION 1. Section 4707 of the Labor Code is amended to read:

4707. No benefits, except reasonable expenses of burial, not exceeding one thousand dollars ($1,000) shall be awarded un-

der this division on account of the death of an employee who is a member of the Public Employees' Retirement System unless it shall be determined that a special death benefit, as defined in the Public Employees' Retirement Law, will not be paid by the Public Employees' Retirement System to the widow or children under 18 years of age, of the deceased, on account of said death, but if the total death allowance paid to said widow and children shall be less than the benefit otherwise payable under this division such widow and children shall be entitled, under this division, to the difference.

SEC. 2. Section 4708 of the Labor Code is amended to read:

4708. Upon application of any party in interest for a death benefit provided by this division on the death of an employee member of the Public Employees' Retirement System, the latter shall be joined as a defendant, and the appeals board shall determine whether the death resulted from injury or illness arising out of and in the course of his employment, for the purpose of enabling the appeals board to apply the provision of this division and the board of administration to apply the provisions of the Public Employees' Retirement Law.

SEC. 3. Section 4850 of the Labor Code is amended to read:

4850. Whenever any city policeman, city fireman, county fireman, fireman of any fire district, sheriff or any officer or employee of a sheriff's office, or any inspector, investigator, detective or personnel with comparable title in any district attorney's office, who is a member of the Public Employees' Retirement System or subject to the County Employees Retirement Law of 1937 (Ch. 3 (commencing with Section 31450), Pt. 3, Div. 4, Title 3, Gov.C.) is disabled, whether temporarily or permanently, by injury or illness arising out of and in the course of his duties, he shall become entitled, regardless of his period of service with the city or county, to leave of absence while so disabled without loss of salary, in lieu of temporary disability payments, if any, which would be payable under this chapter, for the period of such disability but not exceeding one year, or until such earlier date as he is retired on permanent disability pension. This section shall apply only to city policemen, sheriffs or any officer or employee of a sheriff's office, and any inspector, investigator, detective or personnel with comparable title in any district attorney's office, who are members of the Public Employees' Retirement System or subject to the County Employees Retirement Law of 1937 (Ch. 3 (commencing with Section 31450), Pt. 3, Div. 4, Title 3, Gov.C.) and excludes such employees of a police department whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise and whose functions do not clearly fall within the scope of active law enforcement service, and excludes such employees of a county sheriff's office whose principal duties are those of a telephone operator, clerk, stenog-

rapher, machinist, mechanic, or otherwise, and whose functions do not clearly come within the scope of active law enforcement service. It shall also apply to city firemen, county firemen, and firemen of any fire district who are members of the Public Employees' Retirement System or subject to the County Employees Retirement Law of 1937 (Ch. 3 (commencing with Section 31450), Pt. 3, Div. 4, Title 3, Gov.C.) and excludes such employees of the city fire department, county fire department and of any fire district whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise and whose functions do not clearly fall within the scope of active firefighting and prevention service. It shall also apply to deputy sheriffs subject to the County Employees Retirement Law of 1937 (Ch. 3 (commencing with Section 31450), Pt. 3, Div. 4, Title 3). If the employer is insured, the payments which, except for the provisions of this section, the insurer would be obligated to make as disability indemnity to the injured, the insurer may pay to the insured

SEC. 4. Section 4851 of the Labor Code is amended to read:

4851. The governing body of any city, county or city and county, in addition to anyone else properly entitled, including the Public Employees' Retirement System, may request the appeals board to determine in any case, and the appeals board shall determine, whether or not the disability referred to in Section 4850 arose out of and in the course of duty. The appeals board shall, also, in any disputed case, determine when such disability exists.

SEC. 5. Section 4853 of the Labor Code is amended to read:

4853. Whenever such disability of any such officer or employee continues for a period beyond one year, such member shall thereafter be subject as to disability indemnity to the provisions of this division other than Section 4850 during the remainder of the period of said disability or until the effective date of his retirement under the Public Employees' Retirement Act, and the leave of absence shall continue.

SEC. 6. If Assembly Bill No. 1384 is enacted and repeals Section 4707 of the Labor Code, Section 1 of this act shall not become operative.

CHAPTER 640

An act to amend Section 3131 of the Business and Professions Code, relating to optometry.

[Approved by Governor July 31, 1969. Filed with Secretary of State July 31, 1969.]

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

SECTION 1. Section 3131 of the Business and Professions Code is amended to read:

3131. 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, the district attorney of the county, or on application of 10 or more persons holding certificates issued under this chapter.

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, except that no undertaking shall be required in any action commenced hereunder by the board, the Attorney General, or the district attorney of the county.

CHAPTER 641

An act to amend Sections 4036 and 4211 of, and to add Section 4031.5 to, the Business and Professions Code, relating to pharmacy.

[Approved by Governor July 31, 1969. Filed with Secretary of State July 31, 1969.]

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

SECTION 1. Section 4031.5 is added to the Business and Professions Code, to read:

4031.5. "Device" means instruments, apparatus, and contrivances, including their components, parts, products or byproducts of a device, and accessories which are used or intended (1) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in a man or any other animal; or (2) to affect the structure or any function of the body of a man or any other animal.

SEC. 2. Section 4036 of the Business and Professions Code is amended to read:

4036. "Prescription" means an oral order given individually for the person for whom prescribed, directly from the prescriber to the furnisher, or indirectly by means of a written order, signed by the prescriber, and shall bear the name and address of the prescriber, his license classification, the name and address of the patient, the name and quantity of the drug or device prescribed, directions for use, and the date of issue. No person other than a physician, dentist, podiatrist or veterinarian shall prescribe or write a prescription.

Nothing in the amendments made to this section at the 1969 Regular Session of the Legislature shall be construed as expanding or limiting the right which a chiropractor, while acting within the scope of his license, may have to prescribe a device.

Except as provided in Section 4036.1 an oral prescription shall as soon as practicable be reduced to writing by the pharmacist and shall be filed by, or under the direction of, the pharmacist.

SEC. 3. Section 4211 of the Business and Professions Code is amended to read:

4211. "Dangerous drug" means any drug unsafe for self-medication, except preparations of drugs defined in subdivisions (e), (f), (h), and (i) hereof, designed for the purpose of feeding or treating animals (other than man) or poultry, and so labeled, and includes the following:

(a) Any hypnotic drug. "Hypnotic drug" includes acetylurea derivatives, barbituric acid derivatives, chloral, paraldehyde, sulfomethane derivatives, or any compounds or mixtures or preparations that may be used for producing hypnotic effects.

(b) Aminopyrine, or compounds or mixtures thereof.

(c) Amphetamine, desoxyephedrine, or compounds or mixtures thereof except preparations for use in the nose and unfit for internal use.

(d) Cinchophen, neocinchophen, or compounds or mixtures thereof.

(e) Diethyl-stilbestrol, or compounds or mixtures thereof.

(f) Ergot, cotton root, or their contained or derived active compounds or mixtures thereof.

(g) Oils of croton, rue, savin or tansy or their contained or derived compounds or mixtures thereof.

(h) Sulfanilamide or substituted sulfanilamides, or compounds or mixtures thereof, except preparations for topical application only containing not more than five percent (5%) strength.

(i) Thyroid and its contained or derived active compounds or mixtures thereof.

(j) Phenylhydantoin derivatives.

(k) Any drug or device which bears the legend: "Caution: federal law prohibits dispensing without prescription."

(*l*) Hypnotic drugs when combined and compounded with nonhypnotic drugs.

CHAPTER 642

An act to amend Sections 70026 and 70059 of the Government Code, relating to superior court reporters' fees.

[Approved by Governor July 31, 1969. Filed with Secretary of State July 31, 1969.]

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

SECTION 1. Section 70026 of the Government Code is amended to read:

70026. In a county mentioned in Section 70025, an additional fee of twelve dollars and fifty cents ($12.50) shall be

paid to the county clerk by each party, or jointly by parties appearing jointly, whenever a filing fee is required to be paid by Section 26821, 26822, 26823, 26826 or 26827, and no other fee for reporting service, except for transcripts, shall be charged any party. Such additional fee shall be taxed as costs in favor of any party paying it and who is entitled to recover his costs. Such fee shall not be subject to the provisions of Section 6103, unless the fund to which said fee would accrue is the same fund as the source thereof

SEC. 2. Section 70059 of the Government Code is amended to read:

70059. In a county with a population of 6,000,000 or over, the fee required by Section 70053 shall be thirteen dollars ($13).

CHAPTER 643

An act to amend Sections 4020.4, 4020.7, 4020.8, and 4021 of, and to repeal Sections 4020.5 and 4020.6 of, the Penal Code, relating to female jailers.

[Approved by Governor July 31, 1969. Filed with Secretary of State July 31, 1969.]

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

SECTION 1. Section 4020.4 of the Penal Code is amended to read:

4020.4. In every county having a population of more than 275,000, there shall be a female deputy sheriff in charge of female prisoners.

The sheriff of the county shall appoint the female deputy sheriff in charge of female prisoners.

SEC. 2. Section 4020.5 of the Penal Code is repealed.

SEC. 3. Section 4020.6 of the Penal Code is repealed.

SEC. 4. Section 4020.7 of the Penal Code is amended to read:

4020.7. The duties and powers of the female deputy sheriff or other suitable woman assigned to jail duty shall be as follows:

(a) She shall have free access at all reasonable times to the immediate presence of all female prisoners in the county jail to which she is assigned, including the right of personal visitation and conversation with them, and in all cases of searching the persons of female prisoners in such jail, the female deputy sheriff shall make such search;

(b) The female deputy sheriff or other suitable woman shall by example, advice, and admonition employ her best abilities to secure and promote the health, welfare, and reformation of all such prisoners.

SEC. 5. Section 4020.8 of the Penal Code is amended to read:

4020.8. No officer, deputy, jailer, keeper, guard, or person having charge or control of any such county jail shall refuse the duly appointed and qualified female deputy sheriff thereof, or other suitable woman having the care of female prisoners, free access at all reasonable times to the immediate presence of all female prisoners therein, including the right of visitation and conversation with them, or in such jail allow the searching of the person of a female prisoner to be made except by the female deputy sheriff of such jail or other suitable woman, or obstruct the performance by the female deputy sheriff, or other suitable woman, of her official duties.

SEC. 6. Section 4021 of the Penal Code is amended to read:

4021. In any county having a population of 275,000 or less, whenever any female prisoner or prisoners are confined in any county jail in the state, and no regular jail female deputy sheriff has been appointed, there shall be designated by the sheriff some suitable woman who shall have immediate care of such female prisoner or prisoners, and who shall be paid out of the general fund of the county upon claims to be presented and allowed by the board of supervisors as other claims against the county. Such female prisoners shall be so kept that they cannot see or be seen by, or converse with, any male prisoners confined in said jail, and it shall be unlawful for any male officer or jailer to search the person of any female prisoner, or to enter into the room or cell occupied by any female prisoner, except in the company of such female deputy sheriff or woman having the care of such female prisoner.

CHAPTER 644

An act to add Section 10209.3 to the Insurance Code, relating to group life insurance.

[Approved by Governor July 31, 1969. Filed with Secretary of State July 31, 1969.]

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

SECTION 1. Section 10209.3 is added to the Insurance Code, to read:

10209.3. Subject to the terms of the policy, or pursuant to an agreement between the insured, the group policyholder, and the insurer, any person insured under a group life insurance policy may make to any person, other than the policyholder, an assignment of all or any part of the incidents of ownership conferred on him by the policy or by law, including specifically, but not by way of limitation the right to exercise the conversion privilege and the right to name a beneficiary.

The enactment of this section made at the 1969 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the existing law.

CHAPTER 645

An act to amend Section 830.5 of the Penal Code, and to amend Section 1076 of, and to repeal Section 1150 of, the Welfare and Institutions Code, relating to peace officers.

[Approved by Governor July 31, 1969. Filed with Secretary of State July 31, 1969.]

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

SECTION 1. Section 830.5 of the Penal Code is amended to read:

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 superintendent, assistant superintendent, supervisor, or employee having custody of wards, of each institution of the Department of the Youth Authority, and any transportation officer of the Department of the 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.

SEC. 2. Section 1076 of the Welfare and Institutions Code is amended to read:

1076. The superintendent, assistant superintendent, supervisor, or any employee having custody of wards, of each institution of the Department of the Youth Authority, and any transportation officer of the Department of the Youth Authority, shall have the powers and authority of peace officers listed in Section 830.5 of the Penal Code.

SEC. 3. Section 1150 of the Welfare and Institutions Code is repealed.

SEC. 4. It is the intent of the Legislature that the changes effected by this act 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.

CHAPTER 646

An act to amend Section 1551 of the Evidence Code, relating to video tape records.

[Approved by Governor July 31, 1969. Filed with Secretary of State July 31, 1969.]

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

SECTION 1. Section 1551 of the Evidence Code is amended to read:

1551. A print, whether enlarged or not, from a photographic film (including a photographic plate, microphotographic film, photostatic negative, or similar reproduction) of an original writing destroyed or lost after such film was taken or a reproduction from an electronic recording of video images on magnetic surfaces is admissible as the original writing itself if, at the time of the taking of such film or electronic recording, the person under whose direction and control it was taken attached thereto, or to the sealed container in which it was placed and has been kept, or incorporated in the film or electronic recording, a certification complying with the provisions of Section 1531 and stating the date on which, and the fact that, it was so taken under his direction and control.

CHAPTER 647

An act to amend Sections 172 and 172a of, and to add Section 164.8 to, the Civil Code, and to add Section 204 to the Probate Code, relating to property in trusts.

[Approved by Governor July 31, 1969. Filed with Secretary of State July 31, 1969.]

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

SECTION 1. Section 164.8 is added to the Civil Code, to read:

164.8. Where community property, before or after the effective date of this section, is transferred by the husband and wife to a trust, regardless of the identity of the trustee, which trust originally or as amended prior or subsequent to such transfer (a) is revocable in whole or in part during their joint lives, (b) provides that the property after transfer to the trust and any withdrawal therefrom shall be and remain their community property, (c) grants the trustee during their joint lives powers no more extensive than those possessed by a husband under Section 172, except as to property described in Section 171c respecting which the trustee's powers shall be no more extensive than those possessed by a wife under Section 171c, and (d) is subject to amendment or alteration during their joint lifetime upon their joint consent, the respective interest of each spouse in such trust shall be community property, unless the trust otherwise expressly provides. Nothing in this section shall be deemed to affect community property which, before or after the effective date of this section, is transferred in a manner other than as described in this section or to a trust containing different provisions than those set forth in this section; nor shall this section be construed to prohibit the trustee from conveying any trust property, real or personal, in accordance with the provisions of the trust without the consent of the husband or wife unless the trust expressly requires the consent of one or both spouses.

SEC. 2. Section 172 of the Civil Code is amended to read:

172. Except as provided in Sections 164.8, 171c, and 172b, the husband has the management and control of the community personal property, with like absolute power of disposition, other than testamentary, as he has of his separate estate; provided, however, that he cannot make a gift of such community personal property, or dispose of the same without a valuable consideration, or sell, convey, or encumber the furniture, furnishings, or fittings of the home, or the clothing or wearing apparel of the wife or minor children that is community, without the written consent of the wife.

SEC. 3. Section 172a of the Civil Code is amended to read:

172a. Except as provided in Sections 164.8 and 172b, the husband has the management and control of the community real property, but the wife, either personally or by duly authorized agent, must join with him in executing any instrument by which such community real property or any interest therein is leased for a longer period than one year, or is sold, conveyed, or encumbered; provided, however, that nothing herein contained shall be construed to apply to a lease, mortgage, conveyance, or transfer of real property or of any interest in real property between husband and wife; provided,

also, however, that the sole lease, contract, mortgage or deed of the husband, holding the record title to community real property, to a lessee, purchaser or encumbrancer, in good faith without knowledge of the marriage relation shall be presumed to be valid. No action to avoid any instrument mentioned in this section, affecting any property standing of record in the name of the husband alone, executed by the husband alone, shall be commenced after the expiration of one year from the filing for record of such instrument in the recorder's office in the county in which the land is situate, and no action to avoid any instrument mentioned in this section, affecting any property standing of record in the name of the husband alone, which was executed by the husband alone and filed for record prior to the time this act takes effect, in the recorder's office in the county in which the land is situate, shall be commenced after the expiration of one year from the date on which this act takes effect.

SEC. 4. Section 204 is added to the Probate Code, to read:

204. Notwithstanding the provisions of Sections 201, 202, and 203, community property held in a revocable trust described in Section 164.8 of the Civil Code shall be governed by the provisions, if any, in the trust for disposition in the event of death.

CHAPTER 648

An act making an appropriation to the Division of State Lands, Department of Conservation, for removal of beach and underwater obstructions.

[Approved by Governor July 31, 1969. Filed with Secretary of State July 31, 1969.]

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

SECTION 1. There is hereby appropriated out of the General Fund in the State Treasury the sum of fifty thousand dollars ($50,000) to the Division of State Lands, Department of Conservation, to supplement the work initiated under Item 381.5 of the budget for 1966–1967, for removal of beach and underwater obstructions from state-owned tidelands and submerged lands near Summerland, Santa Barbara County.

CHAPTER 649

An act to amend Sections 10090, 10091, 10093, and 10094 of, to amend and renumber the heading of Division 4 (commencing with Section 13000) of, to amend and renumber Sections 13000, 13001, 13002, and 13003 of, to add Section 10094.2 to, to add Division 4 (commencing with Section 13000) to, and to repeal Section 10101 of, the Insurance

Code, relating to insurance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 31, 1969. Filed with Secretary of State July 31, 1969.]

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

SECTION 1. Section 10090 of the Insurance Code is amended to read:

10090. The purposes of this chapter are to do all of the following:

(a) To assure stability in the property insurance market for property located in the State of California.

(b) To assure the availability of basic property insurance as defined by this chapter.

(c) To encourage maximum use, in obtaining basic property insurance, of the normal insurance market provided by admitted insurers and licensed surplus line brokers.

(d) To provide for the equitable distribution among admitted insurers of the responsibility for insuring qualified property for which basic property insurance cannot be obtained through the normal insurance market by the establishment of a FAIR Plan (fair access to insurance requirements), an industry placement facility and a joint reinsurance association.

SEC. 2. Section 10091 of the Insurance Code is amended to read:

10091. Unless the provision or context otherwise requires, the following definitions shall govern the construction of this chapter:

(a) "Association" means a joint reinsurance association consisting of all insurers licensed to write and engaged in writing in this state on a direct basis, basic property insurance or any component thereof in multiperil policies.

(b) "Commissioner" means the Insurance Commissioner of this state.

(c) "Basic property insurance" means insurance against direct loss to real or tangible personal property at a fixed location in those geographic or urban areas designated by the commissioner, from perils insured under the standard fire policy and extended coverage endorsement and vandalism and malicious mischief and such other insurance coverages as may be added with respect to such property by the industry placement facility with the approval of the commissioner or by the commissioner, but shall not include insurance on automobile or farm risks.

(d) "Inspection bureau" means the fire insurance rating organization designated by the industry placement facility with the approval of the commissioner to make inspections to determine the condition of the properties for which basic prop-

erty insurance is sought and to perform such other duties as may be authorized by the industry placement facility.

(e) "Industry placement facility," or "facility," means the organization formed by insurers licensed to write and engaged in writing basic property insurance within this state to assist persons in securing basic property insurance and to formulate and administer a program for the equitable apportionment among such insurers of such basic property insurance.

(f) "Premiums written" means gross direct premiums charged with respect to property in this state on all policies of basic property insurance and the basic property insurance premium components of all multiperil policies, less return premiums, dividends paid or credited to policyholders, or the unused or unabsorbed portions of premium deposits.

(g) "Insurer" means any person or organization as specified in Section 826 of this code, and shall include reciprocals and interinsurance exchanges.

SEC. 3. Section 10093 of the Insurance Code is amended to read:

10093. (a) Any person having an insurable interest in real or tangible personal property who, after diligent effort, has been unable to obtain basic property insurance through normal channels from an admitted insurer or a licensed surplus line broker, shall be entitled upon application to the facility to an inspection of the property by representatives of the inspection bureau.

(b) The manner and scope of the inspection and the form of the inspection report shall be prescribed by the facility with the approval of the commissioner. The inspection shall include, but need not be limited to, pertinent structural and occupancy features as well as the general condition of the building and surrounding structures. A representative photograph of the property may be taken as part of the inspection.

(c) Promptly after the request for inspection is received, an inspection shall be made and an inspection report filed with the company or companies designated by the facility. A copy of the completed inspection report shall be sent to the facility and to the applicant upon request.

SEC. 4. Section 10094 of the Insurance Code is amended to read:

10094. Within 30 days after the effective date of this chapter, with the approval of the commissioner, all insurers licensed to write and engaged in writing in this state, on a direct basis, basic property insurance or any component thereof in multiperil policies, shall establish an industry placement facility to formulate and administer a program for the equitable apportionment among such insurers of basic property insurance which may be afforded persons having an interest in real or tangible personal property who, after diligent effort, are unable to procure such insurance through normal channels from an admitted insurer or a surplus line broker. Each such

insurer, as a condition of its authority to transact such kinds of insurance in this state, shall participate in such industry placement facility program in accordance with rules to be established by a governing committee consisting of nine insurers elected annually in the manner to be provided in the program. The governing committee shall, in addition, have as nonvoting members one representative of insurance agents, one representative of insurance brokers and one representative of the public, each to be appointed by the Governor. The governing committee may establish separate classifications of written premiums for the purpose of equitable distribution but shall not include premiums from automobile or farm risks. The program may also provide, with the approval of the commissioner, for assessment of all members in amounts sufficient to operate the facility, and may establish maximum limits of liability to be placed through the program, reasonable underwriting standards for determining insurability of a risk, and commission to be paid to the licensed producer designated by the applicant.

SEC. 5. Section 10094.2 is added to the Insurance Code, to read:

10094.2. The facility shall, pursuant to regulations adopted by the commissioner, provide for a method whereby insurers who voluntarily write basic property insurance on risks located in areas designated as brush hazard areas by the Pacific Fire Rating Bureau will, to that extent, be proportionately relieved of the liability to participate in a plan adopted pursuant to this chapter. Nothing in this chapter shall preclude adoption of a plan or plans to allow proportionate credit for voluntary writings in other areas or for other classes of insurance.

SEC. 6. Section 10101 of the Insurance Code is repealed.

SEC. 7. The heading of Division 4 (commencing with Section 13000) of the Insurance Code is amended and renumbered to read:

DIVISION 6. REPEALS

SEC. 8. Section 13000 of the Insurance Code is amended and renumbered to read:

15000. The following sections of the following acts, together with all acts amendatory thereof and supplementary thereto are hereby repealed:

Year	Chapter	Page	Sections
1850	128	347	33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53
1851	138	523	all
1862	227	243	all
1863–4	142	131	all
1863–4	349	394	all
1865–6	37	23	all
1865–6	546	752	all

Year	Chapter	Page	Sections
1867–8	296	323	all
1867–8	300	336	all
1869–70	221	321	all
1873–4	510	745	all
1873–4	540	777	all
1875–6	472	689	all
1880	125	229	all
1885	131	114	all
1891	116	126	all
1897	271	439	all
Ex. Sess. 1906	27	30	all
1907	518	952	all
1909	267	404	all
1911	22	111	all
1911	399	796	24, 25
1911	669	1279	all
1911	682	1320	all
1911	689	1342	all
1913	176	279	36 to 50
1913	177	321	all
1913	218	372	all
1913	266	468	all
1913	330	674	all
1915	644	1272	all
1917	104	144	all
1917	200	292	all
1917	586	831	31, 36½
1917	614	957	all
1917	666	1170	all
1917	716	1378	all
1919	178	265	all
1919	180	270	1
1919	363	759	all
1919	367	776	all
1919	549	1199	all
1921	834	1599	1, 2, 3. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15
1921	835	1605	all
1925	195	349	all
1929	818	1728	all

SEC. 9. Section 13001 of the Insurance Code is amended and renumbered to read·

15001. The following sections of the Civil Code are hereby repealed.

414	421	426
415	421a	428
416	422	429
417	424	430
418	425	437

438	453.5	2576
439	453.6	2577
440	453.7	2578
441	453.8	2579
442	453.9	2580
443	453.10	2581
445	453.11 as added by	2582
446	Chapter 97 of the	2583
450	Statutes of 1933	2586
452	453.11 as added by	2587
452a	Chapter 360 of the	2588
452b	Statutes of 1933	2589
452c	453.12	2590
452d	453.13	2591
452e	2531	2592
452f	2532	2593
453	2533	2594
453a	2534	2595
453b	2538	2596
453c	2539	2597
453d	2540	2598
453e	2541	2599
453f	2542	2600
453g	2546	2603
453h	2547	2604
453h1	2548	2605
453h2	2549	2606
453h3	2550	2607
453h4	2551	2608
453j	2552	2609
453k	2553	2610
453*l*	2554	2611
453m	2555	2612
453n	2556	2616
453o	2557	2617
453p	2558	2618
453q	2561	2619
453s	2562	2620
453t	2563	2621
453u	2564	2622
453v	2565	2626
453w	2566	2627
453x	2567	2628
453y	2568	2629
453z	2569	2633
453ee½	2570	2633a
453hh	2571	2634
453 1	2572	2635
453.2	2573	2636
453.3	2574	2637
453.4	2575	2641

2642	2694	2729
2646	2695	2730
2647	2696	2731
2648	2697	2732
2649	2701	2736
2655	2702	2737
2659	2703	2738
2660	2704	2739
2661	2705	2740
2662	2706	2741
2663	2707	2742
2664	2708	2743
2665	2709	2744
2669	2711	2745
2670	2712	2746
2671	2716	2753
2672	2717	2754
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2677	2719	2756
2681	2720	2757
2682	2721	2762
2683	2722	2763
2684	2723	2764
2685	2724	2765
2686	2725	2766
2687	2726	2767
2688	2727	2768
2692	2728	2769
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SEC. 10. Section 13002 of the Insurance Code is amended and renumbered to read:

15002 Sections 596b and 549 of the Penal Code are hereby repealed.

SEC 11. Section 13003 of the Insurance Code is amended and renumbered to read:

15003. The following sections of the Political Code are hereby repealed:

588	596a	603a
589	596b	604
591	596c	604a
592	597	605
593	597a	606
594	598	606a
594a	599	607
594b	600	608
594c	601	609
594½	602	610
595	602a	611
595a	602b	612
595b	603	613

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633a25
633a26
633a27
633a28
633a29
633a30
633a31
633a32
633b
633c
633d
633aa
633bb
634
634a
634b

SEC. 12. Division 4 (commencing with Section 13000) is added to the Insurance Code, to read:

DIVISION 4. CIVIL DISORDERS

CHAPTER 1. GENERAL PROVISIONS

13000. The Legislature finds that:

(a) The vitality of many American cities is being threatened by the deterioration of their inner city areas; responsible owners of well-maintained residential, business, and other properties in many of these areas are unable to obtain adequate property insurance coverage against fire, crime, and other perils; the lack of such insurance coverage accelerates the deterioration of these areas by discouraging private investment and restricting the availability of credit to repair and improve property therein; and this deterioration poses a serious threat to the national economy and to the economy of this state;

(b) Recent riots and other civil commotion in many American cities have brought about abnormally high losses to the private property insurance industry for which adequate reinsurance cannot be obtained at reasonable cost, and the risk of such losses will make most lines of property insurance even more difficult to obtain;

(c) The capacity of the private property insurance industry to provide adequate insurance is threatened, and the con-

tinuity of such property insurance protection is essential to the extension of credit in these areas;

(d) The interest of the people of this state demands urgent action to assure that essential lines of property insurance, including lines providing protection against riot and civil commotion damage will be available to property owners at reasonable cost; and

(e) The assistance provided in this division constitutes a public use and purpose and an essential governmental function for which public money may be spent and other aid given.

13001. The purpose of this division is to create a facility, the California Riot and Civil Disorders Insurance Association, to provide a means of discharging the obligations of the state to the United States Secretary of Housing and Urban Development, pursuant to Section 1223 of the National Housing Act (12 U.S.C., Secs. 1749bbb-9), when such obligations of the state shall occur, in order to permit insurers to be eligible for reinsurance as provided under the act, and to encourage such insurers to make available property insurance in this state.

13002. Unless the context otherwise requires, the definitions in this section govern the construction of this division.

(a) "Secretary" means the Secretary of Housing and Urban Development.

(b) "Act" means Title XI of the Federal Housing and Urban Development Act of 1968, codified as Title XII of the National Housing Act (12 U.S.C., Secs. 1749bbb to 1749bbb-21, inclusive).

(c) "Association" means the California Riot and Civil Disorders Insurance Association, which shall be an organization consisting of all insurers licensed to write and engaged in writing reinsured lines of insurance within this state, to provide insurance to the state for the reimbursement to the secretary by the state, pursuant to the act, and to formulate and administer a program for the equitable apportionment among such insurers for such insurance.

(d) "Commissioner" means the Insurance Commissioner of the State of California.

(e) "Reinsured lines" means fire and extended coverage, vandalism and malicious mischief, other allied lines of fire insurance, burglary and theft, those portions of multiperil policies covering perils similar to the aforesaid lines, inland marine, glass, boiler and machinery, ocean marine, aircraft physical damage, and such other lines generally offered to the public, which include protection against damage from riot and civil commotion as the secretary, by regulation, may designate.

(f) "Premiums" mean gross, direct premiums earned in this state on reinsured lines for the calendar year immediately preceding the claim or claims by the secretary against the state, pursuant to the provisions of the act.

(g) "Insurer" means any person as defined in Section 826 of this code, and shall include reciprocals and interinsurance exchanges.

CHAPTER 2. CALIFORNIA RIOT AND CIVIL DISORDERS INSURANCE ASSOCIATION

13050. Within 30 days after the effective date of this chapter, with the approval of the commissioner, all insurers licensed to write and engaged in writing in this state, on a direct basis, of any of the reinsured lines, shall establish the California Riot and Civil Disorders Insurance Association, to formulate and administer the program for the equitable apportionment among such insurers of insurance to the State of California to permit the State of California to discharge its obligation to reimburse the secretary, pursuant to the provisions of the act. Each such insurer, as a condition of its authority to transact such kinds of insurance in this state, shall participate in the association in accordance with rules to be established by a governing committee consisting of the Director of Finance, a representative of the insurers and the commissioner. The program may also provide for assessment of all members in amounts sufficient to operate the association.

13051. (a) Within 30 days after the effective date of this chapter, the association shall submit to the commissioner a proposed plan of operation consistent with the provisions of this chapter, consisting of the association of all insurers licensed to write and engaged in writing, in this state, on a direct basis, of any of the reinsured lines. Every such insurer shall be a member of the association and shall remain a member as a condition of its authority to transact such kind of insurance in this state.

(b) Under the plan each insurer shall participate in the risk, expenses, and losses of the association in the proportion that its premiums during the calendar year immediately preceding the claim by the secretary against the state, pursuant to the provisions of the act, bear to the aggregate premiums of all insurers in the association, excluding that portion of the premiums attributable to the operation of the association.

(c) The plan of association shall be subject to the approval of the commissioner, and shall go into effect upon the tentative approval of the commissioner. The commissioner may, at any time, withdraw his tentative approval, or he may, at any time he has given his final approval, revoke such approval if he feels that it is necessary to carry out the purpose of this chapter. The withdrawal or revocation of such approval shall not affect the validity of any contracts executed by the insurer-members of the association prior to the date of such withdrawal. If the commissioner disapproves, or withdraws or revokes his approval to all or any part of the plan of association, the association shall immediately thereafter submit for review an appropriate revised plan, or part thereof, and, if the association

fails to do so, or if the revised plan so filed is unacceptable, the commissioner shall promulgate such a plan of operation, or part thereof, as he may deem necessary to carry out the purpose of this chapter.

(d) The association may, on its own initiative, or at the request of the commissioner, amend the plan, subject to the approval of the commissioner. The commissioner, or any person designated by him, shall have the power of visitation of, and examination into, the operation, and free access to all of the books, records, files, papers, and documents that relate to the operation of the association and of any member-insurer thereof, and may summon, qualify, and examine as witnesses all persons having knowledge of such operations, including officers, agents, or employees of the association, or any member-insurer thereof.

(e) The commissioner shall have the right of approval or modification of any contract or contracts executed between the association, its member-insurers, and the State of California.

13052. All orders or decisions of the commissioner, made pursuant to this chapter, shall be subject to judicial review.

13053. Acceptance of risk or risks assigned under this chapter, in performance of any act required by this chapter, is a condition of the right to continue to hold a certificate of authority to transact insurance business in this state. All insurers, on and after the effective date of this chapter, by continuing to hold a certificate of authority to transact insurance business, shall be deemed to have consented to the responsibilities imposed by this chapter.

13054. The commissioner may require such reports from insurers concerning the risk or risks under this program, approved pursuant to the chapter, as he shall deem necessary to effect the purposes of this chapter.

13055. The state may contract with the secretary and with the association to carry out the purposes of this division.

SEC. 13. There is hereby appropriated from the General Fund to the Insurance Commissioner the sum of one million five hundred thousand dollars ($1,500,000) for purposes of carrying out the provisions of this act.

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

Immediate legislation is necessary to insure the availability of federal reinsurance to those insurers who are providing insurance coverage in urban areas, where heretofore such insurance had been unavailable, and any delay in the effective date of this legislation would cause valuable property to be uninsured with resulting risk of financial loss and hardship to many citizens of the state. It is, therefore, imperative that this act take effect immediately.

CHAPTER 650

An act to amend Section 39052.1 of the Health and Safety Code, and to amend Section 4 of Chapter 945 of the Statutes of 1968, relating to air pollution, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 31, 1969. Filed with Secretary of State July 31, 1969.]

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

SECTION 1. Section 39052.1 of the Health and Safety Code is amended to read:

39052.1. (a) The board shall establish a statewide exhaust control device testing program to be concluded by no later than November 1, 1970 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 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 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 $\left\{\frac{ppm}{10,000}\right\}$ 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 submit a written report to the Legislature by December 15, 1970, 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 and a detailed analysis of all facets of the testing 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 4 of Chapter 945 of the Statutes of 1968 is amended to read:

Sec. 4. There is hereby appropriated from the Motor Vehicle Fund to the State Air Resources Board for expenditure 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. 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 sections amended by this act were enacted in 1968 in response to an immediate need for developing and using effective exhaust control devices for the control of air pollution emissions from motor vehicles. Although considerable progress has been made in effectuating the objective of the Legislature in the enactment of the sections, additional time is required for the fulfillment of such objective at the earliest date possible. For that reason, it is necessary that this act take immediate effect.

CHAPTER 651

An act to add Section 13651.6 to the Education Code, relating to sick leave for classified employees.

[Approved by Governor July 31, 1969. Filed with Secretary of State July 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 13651.6 is added to the Education Code, to read:

13651.6. When a person employed in the classified service is absent from his duties on account of illness or accident for a period of five months or less, whether or not the absence arises out of or in the course of employment of the employee, the amount deducted from the salary due him for any month in which the absence occurs shall not exceed the sum which is actually paid a substitute employee employed to fill his position during his absence.

Excepting in a district the governing board of which has adopted a salary schedule for substitute employees of the dis-

trict, the amount paid the substitute employee during any month shall be less than the salary due the employee absent from his duties.

Entitlement to sick leave provisions under this section, if any, shall be considered "entitlement to other sick leave" for the purposes of computing benefits under the provisions of Section 13651.2 if the absence is for industrial accident or illness and shall be used after entitlement to all regular sick leave, accumulated compensating time, vacation or other available paid leave has been exhausted.

The foregoing provisions shall not apply to any school district which adopts and maintains in effect a rule which provides that a regular classified employee shall once a year be credited with a total of not less than 100 working days of paid sick leave, including days to which he is entitled under Section 13651.1. Such days of paid sick leave in addition to those required by Section 13651.1 shall be compensated at not less than 50 percent of the employee's regular salary. The paid sick leave authorized under such a rule shall be exclusive of any other paid leave, holidays, vacation, or compensating time to which the employee may be entitled. Nothing in this section shall preclude the governing board from adopting such a rule.

CHAPTER 652

An act to add Article 1.5 (commencing with Section 10521) to Chapter 1 of Division 9 of the Education Code, relating to special classes and programs.

[Approved by Governor July 31, 1969. Filed with Secretary of State July 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Article 1.5 (commencing with Section 10521) is added to Chapter 1 of Division 9 of the Education Code, to read:

Article 1.5. Special Classes and Programs

10521. No pupil may be required to participate in any special class or program unless the parent or guardian of the pupil is first apprised of the facts which make participation in the special program necessary or desirable.

10522. For the purposes of this article, "special class or program" includes any class or program for which a criterion for participation involves the physical or mental condition of the minor, as defined by the State Board of Education, that would qualify him for placement in a special education program.

CHAPTER 653

An act to amend Section 13521 of the Education Code, relating to certificated public school employees.

[Approved by Governor July 31, 1969. Filed with Secretary of State July 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 13521 of the Education Code is amended to read:

13521. Each salary payment for any calendar month may be made on the last working day of the month and shall be paid not earlier than the last working day of the month and not later than the fifth day of the succeeding calendar month except that teachers employed for less than full time in classes for adults, in a day or evening high school, in a day or evening junior college, or in a special day or evening class maintained in connection with an elementary school shall be paid on or before the 10th day of the succeeding calendar month for services performed during the preceding calendar month.

If the school district provides for the payment of the salary of employees employed in positions requiring certification qualifications once each two weeks, twice a month, or once each four weeks, pursuant to Section 13517, each salary payment may be made on the last working day of the payroll period and shall be made not earlier than the last working day of the payroll period and not later than the eighth working day of the following payroll period.

This section shall not prohibit a school district from making a payment of earned salary prior to the last working day of the month or payroll period.

CHAPTER 654

An act to amend Section 24071.1 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 31, 1969. Filed with Secretary of State July 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 24071.1 of the Business and Professions Code is amended to read:

24071.1. When the ownership of 50 percent or more of the shares of stock of a corporation, which is required to report the issuance or transfer of such shares of stock under Section 23405, is acquired by or transferred to a person or persons who did not hold the ownership of 50 percent of such shares

of stock on the date the license was issued to the corporation, the license of the corporation shall be transferred to the corporation as newly constituted. The fee for such transfer shall be one hundred dollars ($100) which shall be deposited as provided in Section 24072. Before the license is transferred, the department shall conduct an investigation pursuant to the provisions of Section 23958. Any person or persons who own 50 percent or more of the shares of stock of the corporation shall have all the qualifications required of a person holding the same type of license.

No retail license shall be transferred under this section unless, before the filing of the transfer application with the department, the corporation initiating such transfer records in the office of the county recorder of the county or counties in which the premises to which the license has been issued are situated a notice of the intended transfer, stating all of the following:

(a) The name and address of the corporation.

(b) The name and address of the person or persons acquiring ownership of 50 percent or more of the stock of the corporation.

(c) The amount of the consideration paid for the stock.

(d) The kind of license or licenses intended to be transferred.

(e) The address or addresses of the premises to which the license or licenses have been issued.

A copy of the notice of the intended transfer, certified by the county recorder, shall be filed with the department together with the transfer application.

Notwithstanding any other provision of this division to the contrary, a corporation as newly constituted by transfer under this section, shall not be eligible for any new credit from an alcoholic beverage supplier or manufacturer named in Section 25509 until all delinquent payments owed by the corporation as formerly constituted, are made, nor shall any corporate retail licensee, by transferring its license under this section, avoid the provisions of Section 25509 with regard to 42-day or 30-day periods, percentage charges for unpaid balances, or cash on delivery basis.

CHAPTER 655

An act to amend Section 50050 of the Government Code, relating to funds of local agencies.

[Approved by Governor July 31, 1969. Filed with Secretary of State July 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 50050 of the Government Code is amended to read:

50050. For purposes of this article "local agency" includes all districts. Except as otherwise provided by law, money not the property of a local agency which remains unclaimed in its treasury or in the official custody of its officers for 10 years is the property of the local agency after notice if no verified complaint is filed and served. At any time after the expiration of the 10-year period the treasurer of the local agency may cause a notice to be published once a week for two successive weeks in a newspaper of general circulation published in the local agency.

CHAPTER 656

An act to amend Sections 2, 13.10, 13.11, 16 and 19 of the Sonoma County Flood Control and Water Conservation District Act (Chapter 994 of the Statutes of 1949), relating to the Sonoma County Flood Control and Water Conservation District.

[Approved by Governor July 31, 1969. Filed with Secretary of State July 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 2 of the Sonoma County Flood Control and Water Conservation District Act (Chapter 994 of the Statutes of 1949) is amended to read:

Sec. 2. As used in this act: "District" means the Sonoma County Water Agency.

"Sonoma County Flood Control and Water Conservation District" means the Sonoma County Water Agency.

"Board" means the board of directors of the Sonoma County Water Agency.

"Board of directors" means the board of directors of the Sonoma County Water Agency.

SEC. 2. Section 13.10 of the Sonoma County Flood Control and Water Conservation District Act (Chapter 994 of the Statutes of 1949) is amended to read:

Sec. 13.10. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone or zones, the board may by resolution determine and declare the respective amount of bonds necessary to be issued in each zone in order to raise the amount of money necessary for each work or improvement and the denomination and maximum rate of interest of said bonds. The board shall cause a copy of the resolution duly certified by the clerk to be filed for record in the office of the Recorder of Sonoma County within five days after its issuance. From and after said filing of said copy of said resolution, the board shall be deemed vested with the authority to proceed with the bond election.

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the board may call a special bond election in said zone or participating zones at which shall be submitted to the qualified electors of said zone or participating zones the question whether bonds shall be issued in the amount or amounts determined in said resolution for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from the revenue derived from annual taxes or assessments levied as provided in Section 13.14.

(3) Said board shall call such special bond election by resolution and submit to the qualified electors of said zone or participating zones the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the object and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief general description of such object and purposes and refer to the recorded copy of the resolution adopted by said board and on file with the county recorder for particulars; and the resolution calling the election shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on said indebtedness and shall fix the date on which such special election shall be held and the form and content of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed 6 percent per annum. For the purpose of said election, the board shall, in its resolution calling the election, establish special bond election precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in said district to a number not exceeding six general precincts for each such special bond election precinct and shall designate a polling place and appoint one inspector and one judge and one clerk for each of such special bond election precincts.

In all particulars not recited in such resolution, such election shall be held as nearly as practicable in conformity with the general election laws of the state.

Said board shall cause a map or maps to be prepared covering a general description of the work to be done, which said map shall show the location of the proposed works and improvements, and cause the said map to be posted in a prominent place in the county courthouse for public inspection at least 30 days before the date fixed for such election. The resolution calling the special bond election shall, prior to the date set for such election, be published in a newspaper of general circulation published in the district, and deemed by the board most likely to give notice to the voters, for six consecutive times if published in a daily newspaper of general circulation or two times if published in a weekly newspaper of general circulation. No other notice of such election need be given nor need any polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election.

Where a project affects a single zone only, if at such election two-thirds of the vote cast in said zone on the proposition of incurring bonded indebtedness are in favor thereof, then bonds for such zone for the amount stated in the proceedings shall be issued and sold as in this act provided. Where the incurring of bonded indebtedness by participating zones is to be determined at such election, no bonds for any of such participating zones shall be issued or sold unless two-thirds of the votes cast on the proposition in each such participating zone are in favor of incurring bonded indebtedness to be undertaken by such zone.

SEC. 3. Section 13.11 of the Sonoma County Flood Control and Water Conservation Act (Chapter 994 of the Statutes of 1949) is amended to read:

Sec. 13.11. The board shall, pursuant to the provisions of this act, prescribe by resolution the form of the bonds, which must include a designation of the zone or participating zone affected, and of the interest coupons attached thereto. Said bonds shall be payable annually or semiannually at the discretion of the board each and every year on a day and date at a place or places to be fixed by said board and designated in such bonds, together with interest on all sums unpaid on such date until the whole of said indebtedness shall be paid.

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 another series. The maturity of each series shall comply with this section. The board may fix a date not more than two years from the date of issuance for the earliest maturity of each issue or series of bonds beginning with the date of the earliest maturity of each issue or series; not less than one-fortieth of the indebtedness of such issue or series shall be paid every year. The final maturity date shall not exceed 40 years from the time of incurring the indebtedness evidenced by each issue or series.

The bonds shall be issued in such denomination as the board shall determine except that no bond shall be of a less denomination than one hundred dollars ($100) nor of a greater denomination than one thousand dollars ($1,000), and shall be payable on the date at the place fixed in said bonds and at the interest rate specified in said bonds, which rate shall not be in excess of 6 percent per annum and shall be made payable annually or semiannually. Said bonds shall be numbered consecutively and shall be signed by the chairman of the board and countersigned by the auditor of said district and the seal of said district shall be affixed thereto by the clerk of the board. Either or both such signatures may be printed, engraved or lithographed. The interest coupons of such bonds shall be

numbered consecutively and signed by said auditor or by said auditor by his printed, engraved or lithographed signature. In case any such officer whose signature or countersignatures appearing on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such bonds and coupons and signatures and countersignatures shall nevertheless be valid and legal for all purposes.

SEC. 4. Section 16 of the Sonoma County Flood Control and Water Conservation District Act (Chapter 994 of the Statutes of 1949) is amended to read:

Sec. 16. After the adoption of said report and estimate of the amount of money required to be raised the board shall call a special election and submit to the qualified voters of said district a proposition or propositions of incurring bonded indebtedness in order to carry out the provisions of this act.

Several separate propositions of incurring bonded indebtedness may be submitted separately to the voters at the same election if such respective propositions are separately stated in the resolution calling the election and on the ballot to be used at the election.

The resolution calling the special election shall recite the the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief general description of such objects and purposes; and said resolution shall state the estimated cost of the proposed work and improvements. the amount of the principal of the indebtedness to be incurred therefor and shall fix the maximum rate of interest to be paid on said indebtedness which shall not exceed 6 percent per annum, and shall fix the date on which the special election shall be held and the manner of voting for and against the incurring of such indebtedness.

For the purpose of said election, the board shall, in its resolution, establish election precincts within the boundaries of said district. and may form election precincts by consolidating the precincts established for general election purposes in said district to a number not exceeding six for each such bond election precinct, and shall designate a polling place and appoint two inspectors, two judges and two clerks for each of such precincts.

In all particulars not recited in such resolution, such election shall be held as nearly as practicable in conformity with the general election laws of the state.

At such election all persons whose names appear on the last great register of County of Sonoma as residing within the district shall be entitled to vote. except as hereinafter otherwise provided.

Such resolution calling such election shall be published in the district pursuant to Section 6062 of the Government Code. No further notice of such election need be given.

Any defect or irregularity in the proceedings prior to the election shall not affect the validity of the bonds.

If at such election, two-thirds or more of the votes are cast in favor of the incurring of such bonded indebtedness, then the bonds of said district, for the amounts stated in such proceedings, shall be issued and sold as provided in this act.

Notwithstanding any other provision of this act, a majority vote shall be sufficient to authorize the issuance of revenue bonds, except when a vote of the electorate is not required by the provisions of Section 30.17. and a two-thirds vote shall be required only for the issuance of general obligation bonds.

SEC. 5. Section 19 of the Sonoma County Flood Control and Water Conservation District Act (Chapter 994 of the Statutes of 1949) is amended to read:

Sec. 19. Subject to the provisions of this act, the board shall prescribe by resolution the form of the bonds and of the interest coupons attached thereto and shall fix the rate of interest said bonds shall bear, not to exceed 6 percent per annum. The board may divide any authorized issue into one or more series and fix different dates for the bonds of each such series. The bonds of each such series shall mature serially and become payable in not to exceed 40 years from the date of each such series in such amounts as the board may fix; provided, that the earliest maturity of bonds of any series shall not be more than five years from the date of such series. The board shall fix the place, or places (which may be within or without the State of California and which shall be designated in said bonds) where said bonds together with the interest thereon shall be payable.

Callable bonds may be redeemed in such amounts and manner and at such prices as the board may prescribe by resolution.

CHAPTER 657

An act relating to the California State Polytechnic College, and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 31, 1969. Filed with Secretary of State July 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the Capital Outlay Fund for Public Higher Education the sum of three hundred thousand dollars ($300.000), or so much thereof as shall be necessary, to the Trustees of the California State Colleges, in augmentation of their appropriations for support or for other purposes, for the purchase of property at 172 California Boulevard, San Luis Obispo, California, for the use of the California State Polytechnic College.

SEC. 2. Notwithstanding the provisions of Section 24753 of the Education Code, the proceeds from the sale of the following property by the Trustees of the California State Colleges shall be deposited in the Capital Outlay Fund for Public Higher Education to be used for the purposes for which funds in the Capital Outlay Fund for Higher Education may be used:

(a) 0.7 acre located at the southeastern corner of Santa Rosa and Foothill Boulevards in San Luis Obispo.

(b) 3 5 acres located on the west side of N. Chorro Street at the intersection of N. Chorro Street and Santa Rosa Boulevard in San Luis Obispo.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for the property, the purchase of which is authorized by this act, to be available for use when the college convenes in the fall, it is necessary that this act become effective as soon as possible.

CHAPTER 658

An act to amend Section 469 of the Revenue and Taxation Code, relating to property tax.

[Approved by Governor July 31, 1969. Filed with Secretary of State July 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 469 of the Revenue and Taxation Code is amended to read:

469. In any case in which locally assessable business tangible personal property owned, claimed, possessed or controlled by a taxpayer engaged in a profession, trade, or business has a full cash value of fifty thousand dollars ($50,000) or more, the assessor shall audit the books and records of such profession, trade, or business at least once each four years. If the board determines the value of property pursuant to Chapter 2 (commencing with Section 1815) of this part, such determination may be deemed an audit by the assessor for purposes of this section.

CHAPTER 659

An act to amend Sections 28476 and 28480 of the Health and Safety Code, relating to olive oil.

[Approved by Governor July 31, 1969. Filed with Secretary of State July 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 28476 of the Health and Safety Code is amended to read:

28476. "Imitation olive oil," as used in this chapter, means the mixture of any edible oil artificially colored or flavored to resemble olive oil.

SEC. 2. Section 28480 of the Health and Safety Code is amended to read:

28480. It is unlawful to manufacture, sell, offer for sale, give away, or to possess imitation olive oil in the state.

This section does not prohibit the blending of olive oil with other edible oils, if such blend is not labeled as olive oil or imitation olive oil, is clearly labeled as a blended vegetable oil, and if the contents and proportions of such blend are prominently displayed on the label.

CHAPTER 660

An act to amend Section 11172 of, and to add Sections 11171.5 and 13933 to, the Welfare and Institutions Code, and to add Section 327 to Chapter 355 of the Statutes of 1969, relating to public assistance, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 31, 1969. Filed with Secretary of State July 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 11171.5 is added to the Welfare and Institutions Code, to read:

11171.5. Homemaker services may be purchased from a proprietary agency under the following conditions:

1. The cost of the service does not exceed by more than 5 percent the average cost of the service being performed by staff employed by a public agency.

2. The proprietary agency agrees to train and employ recipients of public assistance or other low-income persons who would qualify for public assistance in the absence of such employment.

3. The cost of the purchase of such service would qualify for federal reimbursement.

The provisions of this section shall not restrict the right of a chartered county from providing a civil service classification for homemakers.

SEC. 2. Section 11172 of the Welfare and Institutions Code is amended to read:

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 provi-

sions of Section 12152, 12652, or 13700, upon approval of the county plan by the department, except as otherwise provided in this section 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 allocated to the county as set forth in the Budget Act for the purpose of providing homemaker services pursuant to this article. The state funds appropriated pursuant to the Budget Act shall cover all of the nonfederal costs of providing homemaker services.

The costs of attendant care services provided in lieu of homemaker services through cash payments to recipients during the developmental period of the homemaker service or in circumstances where such homemaker service is impractical shall be subject to participation by the county in accordance with the regular state-county sharing formula applicable to the category of public assistance for which the recipient qualifies.

SEC. 3. Section 13933 is added to the Welfare and Institutions Code, to read:

13933. Recipients of public assistance as described by Section 13900 of this code who require care in a nonmedical protective living arrangement shall be granted aid in accordance with regulations, and rate schedules established by the Secretary of the Human Relations Agency. Such regulations and rates shall be promulgated by the State Department of Social Welfare as an integral part of their regulations issued for use by county welfare departments in the administration of public assistance programs.

Payments to recipients to cover cost of care as set forth in rate schedules made pursuant to this section shall not be considered expenditures under Chapters 3, 4, 5 and 6 of this part and shall be limited to the amounts and controls set forth in the Budget Act.

SEC. 4. Section 32.7 is added to Chapter 355 of the Statutes of 1969, to read:

32.7. Funds appropriated under Section 32.5 of this act may be used by the Department of Social Welfare in an amount not exceeding twenty-eight million fifty-nine thousand nine hundred dollars ($28,059,900) except as otherwise provided in this section, for the cost of the state share of homemaker or attendant care services for which federal grants-in-aid are made to the state, as specified in Section 11172 of the Welfare and Institutions Code, and for the cost of the state share of board and care rate allowances granted to recipients of public assistance, as described in Section 13900 of the Welfare and Institutions Code, who require a nonmedical protective living arrangement. Such amount is allocated as follows:

(a) Thirteen million nine hundred fifty-seven thousand one hundred dollars ($13,957,100) for homemaker or attendant care services;

(b) Fourteen million one hundred two thousand eight hundred dollars ($14,102,800) for board and care rate allowance.

If a change in caseload of recipients who require a nonmedical protective living arrangement and receive a board and care allowance, unrelated to any change in rule or regulation adopted during the current year, results in expenditures in excess of the amounts included in subdivision (b), the Director of Finance is authorized to approve sufficient funds for such purpose in augmentation of subdivision (b) within the limits of funds appropriated under Section 32.5.

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 orderly implementation of the Homemaker Services Act as enacted by the 1969 Legislature requires the gradual case-by-case transfer from attendant care. The twofold purpose of keeping the aged and the disabled in their own homes in preference to institutionalization and giving able-bodied recipients employment opportunities can only be achieved by gradual implementation.

CHAPTER 661

An act to amend Section 13113 of the Health and Safety Code, relating to fire alarm and sprinkler systems.

[Approved by Governor August 4, 1969. Filed with Secretary of State August 4, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 13113 of the Health and Safety Code is amended to read:

13113. No person, firm, or corporation shall establish, maintain, or operate any children's home, children's nursery, or institution, or a home or institution for the care of aged or senile persons, or any sanitarium or institution for insane or mentally retarded persons and any nursing or convalescent home, wherein more than six guests or patients are housed or cared for on a 24-hour-per-day basis unless there is installed and maintained in an operable condition in every building or portion thereof where patients or guests are housed an automatic sprinkler system approved by the State Fire Marshal.

This section shall not apply to homes or institutions for the 24-hour-per-day care of ambulatory children if all of the following conditions are satisfied:

(a) The buildings or portions thereof in which such children are housed are not more than two stories in height and are constructed and maintained in accordance with regulations adopted by the State Fire Marshal pursuant to Section 13143.

(b) The buildings or portions thereof housing more than six such children shall have installed and maintained in an operable condition therein a fire alarm system of a type approved by the State Fire Marshal. Such system shall be activated by detectors responding to invisible products of combustion other than heat.

(c) The buildings or portions thereof do not house mentally ill or mentally retarded children.

This section shall not apply to those homes and institutions in existence and operating on the effective date of the amendments to this section enacted at the 1969 Regular Session of the Legislature if at that time such homes or institutions are exempted from the provisions of this section by regulation of the State Fire Marshal.

CHAPTER 662

An act to amend Section 464 of the Agricultural Code, relating to livestock and poultry examination.

[Approved by Governor August 4, 1969. Filed with Secretary of State August 4, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 464 of the Agricultural Code is amended to read:

464. The director may maintain regional poultry and animal disease diagnostic laboratories for the purpose of making tests and examinations for, and diagnoses of, livestock and poultry diseases.

The director may establish a schedule of fees for requested veterinary laboratory services other than (1) those involved in determining the nature of a disease; (2) those performed in the course of an approved investigation of an animal health problem; (3) those provided to regulatory agencies.

CHAPTER 663

An act to amend Sections 1 and 2 of Chapter 1672 of the Statutes of 1967, relating to recreation and fish and wildlife enhancement associated with state water projects.

[Approved by Governor August 4, 1969. Filed with Secretary of State August 4, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 1672 of the Statutes of 1967 is amended to read:

Section 1. The Legislature, pursuant to Section 11912 of the Water Code, approves the allocation by the Department of Water Resources of eleven million fifty-six thousand six hundred thirty-eight dollars ($11,056,638) to recreation and fish and wildlife enhancement as nonreimbursable joint costs of the State Water Project, as reported in Bulletin No. 132-69, Appendix D, "Costs of Recreation and Fish and Wildlife Enhancement," dated March 1969, in accordance with the following schedule:

Schedule:

(a) For Frenchman Dam and Lake	$1,596,325
(b) For Antelope Dam and Lake	$4,746,779
(c) For Grizzly Valley Dam and Lake Davis	$4,713,534
Total of schedule	$11,056,638

SEC. 2. Section 2 of Chapter 1672 of the Statutes of 1967 is amended to read:

Sec. 2. The Legislature, pursuant to Section 11912 of the Water Code, approves the expenditures of three million eight hundred ninety-four thousand seven hundred ninety-three dollars ($3,894,793) for separate specific recreation land costs of the State Water Project as revised by the Department of Water Resources in said Bulletin No. 132-69, Appendix D, in association with the following facilities and in accordance with the following schedule:

Schedule:

(a) Frenchman Dam and Lake	$41,367
(b) Grizzly Valley Dam and Lake Davis	$186,385
(c) Oroville Dam and Reservoir	$1,585,816
(d) Thermalito Facilities	$172,349
(e) California Aqueduct	$549,123
(f) San Luis Dam and Reservoir	$22,742
(g) Del Valle Dam and Reservoir	$485,208
(h) Castaic Dam and Lake	$851,803
Total of schedule	$3,894,793

CHAPTER 664

An act to amend Section 660 of the Welfare and Institutions Code, relating to minors.

[Approved by Governor August 4, 1969. Filed with Secretary of State August 4, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 660 of the Welfare and Institutions Code is amended to read:

660. (a) If the minor is detained the clerk of the juvenile court shall cause the notice and copy of the petition to be served on all persons required to receive such notice and copy of the petition, either personally or by certified mail with request for return receipt, as soon as possible after filing of the petition and at least five days prior to the time set for hearing, unless such hearing is set less than five days from the filing of the petition, in which case, such notice and copy of the petition must be served at least 24 hours prior to the time set for hearing.

(b) If the minor is not detained the clerk of the juvenile court shall cause the notice and copy of the petition to be served on all persons required to receive such notice and copy of the petition, either personally or by certified mail with request for return receipt, at least 10 days prior to the time set for hearing. If such person is known to reside outside of the county, the clerk of the juvenile court shall mail the notice and copy of the petition, by certified mail with request for return receipt, to such person, as soon as possible after filing of the petition and at least 10 days before the time set for hearing. Personal service of the notice and copy of the petition outside of the county at least 10 days before the time set for hearing is equivalent to such service by certified mail. Service may be waived by any person by a voluntary appearance entered in the minutes of the court or by a written waiver of service filed with the clerk of the court at or prior to the hearing.

(c) For purposes of this section, service on the minor's attorney shall constitute service on the minor's parent or guardian.

CHAPTER 665

An act to add Chapter 5 (commencing with Section 1930) to Division 2.5 of the Streets and Highways Code, relating to the summary vacation and abandonment of city streets.

[Approved by Governor August 4, 1969. Filed with Secretary of State August 4, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 5 (commencing with Section 1930) is added to Division 2.5 of the Streets and Highways Code, to read:

CHAPTER 5. SUMMARY VACATION AND ABANDONMENT OF STREETS

1930. The city council, as defined in Section 8302, of any city may retain or may summarily vacate and abandon any portion of a street, as defined in Section 8304, which portion has been superseded by relocation, except in case such abandonment would cut off all access to the property of any person which, prior to such relocation, adjoined the street or terminate any easement or right of a type described in Section 1934.

1931. The city council may act to abandon any easement or to vacate any street mentioned in Section 1930 by resolution. A certified copy of such resolution shall be recorded in the office of the county recorder No fee shall be charged for such recordation. On such recordation the abandonment or vacation is complete.

1932. On abandonment of an easement, title thereto reverts to the owner of the underlying fee. On vacation of a street, where the city owns only an easement, title likewise so reverts. Where the city owns the property on which the vacated street was located in fee, the city council may dispose of the property as provided in Section 1933.

1933. Whenever the city council determines that any real property or interest therein, heretofore or hereafter acquired by the city for street purposes, is no longer necessary for such purposes, the city council may sell or exchange such real property or interest therein in the manner and upon the terms and conditions approved by the city council. Any such conveyance shall be executed on behalf of the city by the city clerk, as defined in Section 8303, and the purchase price shall be paid into the city treasury to the credit of any fund, available for street purposes, which the city council designates.

1934. In any proceeding for the abandonment of any street or part thereof, the city may reserve and except from the abandonment the easement and right at any time, or from time to time, to construct, maintain, operate, replace, remove and renew sanitary sewers and storm drains and appurtenant structures in, upon, over and across any street or part thereof proposed to be abandoned and pursuant to any existing franchise or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew and enlarge lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment and fixtures for the operation of gas pipe lines, telegraphic and telephone lines, railroad lines and for the transportation or distribution of electric energy, petroleum and its products, ammonia, water, and for incidental purposes, including access to protect the property from all hazards in, upon and over the street or part thereof proposed to be abandoned.

CHAPTER 666

An act to add Sections 25861, 25862, 25862.1, 25862.3, 25862.4, 25863 and 25863.1 to, and to repeal Section 25861 of the Health and Safety Code, relating to radioactive material decontamination.

[Approved by Governor August 4, 1969. Filed with Secretary of State August 4, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 25861 of the Health and Safety Code is repealed.

SEC. 2. Section 25861 is added to the Health and Safety Code, to read:

25861. The term "decontamination," as used in this chapter, means the reduction of the level of contamination from radioactive material to the level which the department determines is reasonably necessary to eliminate the hazard to public health which is caused by the contamination of any object, building, structure, or premises. Any order by the department pursuant to Section 25862 shall prescribe the level to which the contamination is required to be reduced in order to eliminate the hazard to the public health.

SEC. 3. Section 25862 is added to the Health and Safety Code, to read:

25862. If the department determines that any object, building, structure, or premises is contaminated by radioactive material and constitutes a hazard to the public health, it shall order the person who has control of the object, building, structure, or premises to cease to use or occupy and to exercise due caution to prevent others from using or occupying the object, building, structure, or premises, except to the extent necessary to accomplish the decontamination, or to the extent necessary to accomplish the disposal of the object, building, or structure as radioactive waste. The normal use or occupancy of the object, building, structure, or premises may not be resumed until decontamination has been accomplished and a release obtained from the department.

If the person who has control of the object, building, structure, or premises fails to comply with the department's order to decontaminate, the department may impound or seize the object, building, structure, or premises. The department after impounding or seizure of an object, building, structure, or premises, may decontaminate the object, building, structure, or premises.

SEC. 4. Section 25862.1 is added to the Health and Safety Code, to read:

25862.1. If the department determines that the object, building, structure, or premises does not warrant decontamination because of its low value, it shall so notify in writing the

person who had control of the object, building, structure, or premises. The person so notified may decontaminate the object, building, structure, or premises, but if he fails to do so within 15 days after such notice, the department may cause the object, building, structure, or premises to be disposed of as radioactive waste.

SEC. 5. Section 25862.3 is added to the Health and Safety Code, to read:

25862.3. If the department causes the object, building, structure or premises to be decontaminated, the department shall, upon the completion of the decontamination, return the impounded article or seized building, structure, or premises to the person who had control of the article, building, structure, or premises prior to the impounding or seizure. The person who has control of the object, building, structure, or premises and was responsible for its contamination shall pay the department for the reasonable and necessary costs incurred by the department in seizing and decontaminating or in seizing and disposing of the object, building, structure, or premises.

SEC. 6. Section 25862.4 is added to the Health and Safety Code, to read:

25862.4. If the contamination of the object, building, structure, or premises resulted from the negligence of another person, then the department may require such person to pay all reasonable and necessary costs which were incurred by the department in seizing and decontaminating or disposing of the object, building, structure, or premises and may maintain any action which may be necessary to recover such costs.

SEC. 7. Section 25863 is added to the Health and Safety Code, to read:

25863. A lien in favor of the people of California shall be imposed upon any object, building, structure, or premises for the reasonable amount of expenses and costs incurred by the department in carrying out the provisions of Section 25862, 25862.1, 25862.3, or 25862.4 if the owner of the property or of any interest therein is the person responsible for the contamination, and to the extent of the interest of such person. Notice of lien or notice of intent to impose a lien shall be posted by the department upon any object, building, structure, or premises impounded or seized by the department and notice of lien or notice of intent to impose a lien shall be filed with the county recorder of the county in which they are located.

The lien shall be effective at the time the notice of lien, particularly identifying the property and the interest subject to the lien, is recorded in the county where the property is located. Upon such recordation, the lien shall 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.

SEC. 8. Section 25863.1 is added to the Health and Safety Code, to read:

25863.1. The Attorney General at the request of the department may institute on behalf of the people of California any civil action necessary to carry out the provisions of this chapter, including but not restricted to the enforcement of liens and the obtaining of injunctions.

CHAPTER 667

An act to amend Section 8020 of the Business and Professions Code, relating to shorthand reporters.

[Approved by Governor August 4, 1969. Filed with Secretary of State August 4, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 8020 of the Business and Professions Code is amended to read:

8020. Any citizen of the United States, or any person who has declared his intention to become a citizen, over the age of 21 years, of good moral character, having a high school education or its equivalent as determined by the board, who has satisfactorily passed an examination under such regulations as the board may prescribe shall be entitled to a certificate and shall be styled and known as a certified shorthand reporter. No person shall be admitted to the examination unless he first presents satisfactory evidence to the board that within the five years immediately preceding the date his application for a certificate is filed with the board he has obtained one of the following:

(a) One year of experience in making verbatim records of meetings, conferences, hearings, or judicial or related proceedings by means of written symbols or abbreviations in shorthand or machine writing and transcribing such records.

(b) A passing grade on the National Shorthand Reporters Association School graduation test.

(c) A verified certificate of satisfactory completion of a prescribed course of study in a recognized court reporting school or certificate from any such school evidencing equivalent proficiency and of the ability to make a verbatim record of material dictated in accordance with regulations adopted by the board contained in Title 16 of the Administrative Code.

(d) National Shorthand Reporters Association certificate of proficiency or certificate of merit.

(e) A passing grade on the California state hearing reporters examination.

(f) Associated Stenotypists of America certificate of expert or master,

(g) A valid certified shorthand reporters certificate or license to practice shorthand reporting issued by a state other than California.

"Person who has declared his intention to become a citizen," as used in this section, means a person who has either (1) filed the declaration of intention to become a citizen of the United States, or petition for naturalization, or comparable document prescribed by federal law; or (2) filed an affidavit with the executive secretary of the board, in the form prescribed by the board, that he will, at the first opportunity at which the applicable federal law permits, file such a declaration of intention to become a citizen of the United States, petition for naturalization, or comparable document. If the board determines that an individual who has filed under alternative (2) of the preceding sentence, has, without good cause, failed at the first opportunity provided under federal law to file one of the specified documents prescribed by federal law, it shall forthwith revoke any certified shorthand reporter certificate issued to the individual.

CHAPTER 668

An act to amend Section 11580.2 of the Insurance Code, relating to insurance.

[Approved by Governor August 4, 1969. Filed with Secretary of State August 4, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 11580.2 of the Insurance Code is amended to read:

11580.2. (a) No policy of bodily injury liability insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle, shall be issued or delivered in this state to the owner or operator of a motor vehicle, or shall be issued or delivered by any insurer licensed in this state upon any motor vehicle then principally used or principally garaged in this state, unless the policy contains, or has added to it by endorsement, a provision with coverage limits at least equal to the financial responsibility requirements specified in Section 16059 of the Vehicle Code insuring the insured, his heirs or his legal representative for all sums within such limits which he or they, as the case may be, shall be legally entitled to recover as damages for bodily injury or wrongful death from the owner or operator of an uninsured motor vehicle. The insurer and any named insured may by agreement in writing delete the provision covering damage caused by an uninsured motor vehicle. Such deletion by any named insured shall be binding upon every insured to whom such policy or endorsement provisions apply. A policy shall be excluded from the

application of this section if the only coverage with respect to the use of any motor vehicle is limited to the contingent liability arising out of the use of nonowned motor vehicles.

(b) As used in (a) above. "bodily injury" includes sickness or disease, including death, resulting therefrom; the term "named insured" means only the individual or organization named in the declarations of the policy of motor vehicle bodily injury liability insurance referred to in (a) above; as used in (a) above the term "insured" means the named insured and the spouse of the named insured and relatives of either while residents of the same household while occupants of a motor vehicle or otherwise, heirs and any other person while in or upon or entering into or alighting from an insured motor vehicle and any person with respect to damages he is entitled to recover for care or loss of services because of bodily injury to which the policy provisions or endorsement apply; the term "insured motor vehicle" means the motor vehicle described in the underlying insurance policy of which the uninsured motorist endorsement or coverage is a part, a temporary substitute or a newly acquired automobile for which liability coverage is provided in the policy if the motor vehicle is used by the named insured or with his permission or consent, express or implied, and any other automobile not owned by the named insured or any resident of the same household while being operated by the named insured or his spouse if a resident of the same household, but the term "insured motor vehicle" shall not include any automobile while used as a public or livery conveyance. The term "uninsured motor vehicle" means a motor vehicle with respect to the ownership, maintenance or use of which there is no bodily injury liability insurance or bond applicable at the time of the accident, or there is such applicable insurance or bond but the company writing the same denies coverage thereunder or refuses to admit coverage thereunder except conditionally or with reservation, or a motor vehicle used without the permission of the owner thereof if there is no bodily injury liability insurance or bond applicable at the time of the accident with respect to the owner or operator thereof, or the owner or operator thereof be unknown, provided that, with respect to an "uninsured motor vehicle" whose owner or operator is unknown:

(1) The bodily injury has arisen out of physical contact of such automobile with the insured or with an automobile which the insured is occupying.

(2) The insured or someone on his behalf shall have reported the accident within 24 hours to the police department of the city where the accident occurred or, if the accident occurred in unincorporated territory then either to the sheriff of the county where the accident occurred or the local headquarters of the California Highway Patrol, and have filed with the insurer within 30 days thereafter a statement under oath that the insured or his legal representative has or the insured's

heirs have a cause of action arising out of such accident for damages against a person or persons whose identity is unascertainable and set forth facts in support thereof. The term "uninsured motor vehicle" shall not include an automobile owned by the named insured or any resident of the same household or self-insured within the meaning of the safety responsibility law of the state in which the motor vehicle is registered or which is owned by the United States of America, Canada, a state or political subdivision of any such government or an agency of any of the foregoing, or a land motor vehicle or trailer operated on rails or crawlertreads or while located for use as a residence or premises and not as a vehicle, or a farm-type tractor or equipment designed for use principally off public roads, except while actually upon public roads.

The term "uninsured motor vehicle" also means an insured motor vehicle where the liability insurer thereof is unable to make payment with respect to the legal liability of its insured within the limits specified therein because of insolvency. An insurer's solvency protection shall be applicable only to accidents occurring during a policy period in which its insured's motor vehicle coverage is in effect where the liability insurer of the tort-feasor becomes insolvent within one year of such accident. In the event of payment to any person under the coverage required by this section and subject to the terms and conditions of such coverage, the insurer making such payment, shall to the extent thereof, be entitled to any proceeds which may be recoverable from the assets of the insolvent insurer through any settlement or judgment of such person against the insolvent insurer.

(c) The insurance coverage provided for in this section does not apply:

(1) To property damage sustained by the insured.

(2) To bodily injury of the insured while in or upon or while entering into or alighting from an automobile other than the described automobile if the owner thereof has insurance similar to that provided in this section.

(3) To bodily injury of the insured with respect to which the insured or his representative shall, without the written consent of the insurer, make any settlement with or prosecute to judgment any action against any person who may be legally liable therefor.

(4) In any instance where it would inure directly or indirectly to the benefit of any workmen's compensation carrier or to any person qualified as a self-insurer under any workmen's compensation law.

(5) To establish an exemption as provided in subdivisions (a), (b), and (c) of Section 16057 of the Vehicle Code.

(6) To bodily injury of the insured while occupying a motor vehicle owned by an insured, unless the occupied vehicle is an insured motor vehicle.

(7) To bodily injury of the insured when struck by a vehicle owned by an insured.

(d) Subject to paragraph (c)(2), the policy or endorsement may provide that if the insured has insurance available to him under more than one uninsured motorist coverage provision, any damages shall not be deemed to exceed the higher of the applicable limits of the respective coverages, and such damages shall be prorated between the applicable coverages as the limits of each coverage bears to the total of such limits

(e) The policy or an endorsement added thereto shall provide that the determination as to whether the insured shall be legally entitled to recover damages, and if so entitled, the amount thereof, shall be made by agreement between the insured and the insurer or, in the event of disagreement, by arbitration. The arbitration shall be conducted by a single neutral arbitrator. The provisions of Article 3 (commencing with Section 2016) of Chapter 3 of Title 3 of Part 4 of the Code of Civil Procedure shall be applicable to such determinations, and all rights, remedies, obligations, liabilities and procedures set forth in said Article 3 shall be available to both the insured and the insurer at any time after the accident, both before and after the commencement of arbitration, if any, with the following limitations:

(1) Whenever in said Article 3, reference is made to the court in which the action is pending, or provision is made for application to the court or obtaining leave of court or approval by the court, the court which shall have jurisdiction for the purposes of this section shall be the superior court of the State of California, in and for any county which is a proper county for the filing of a suit for bodily injury arising out of the accident, against the uninsured motorist, or any county specified in the policy or an endorsement added thereto as a proper county for arbitration or action thereon.

(2) Any such proper court to which application is first made by either the insured or the insurer under the provisions of said Article 3 for any discovery or other relief or remedy, shall thereafter be the only court to which either of the parties shall make any applications under said Article 3 with respect to the same accident, subject, however, to the right of such court to grant a change of venue after a hearing upon notice, upon any of the grounds upon which change of venue might be granted in an action filed in the superior court.

(3) A deposition pursuant to the provisions of Section 2016 of the Code of Civil Procedure may be taken without leave of court, except that leave of court, granted with or without notice and for good cause shown, must be obtained if the notice of the taking of the deposition is served by either party within 20 days after the accident.

(4) The provisions of subparagraph (a)(4) of Section 2019 of the Code of Civil Procedure shall not be applicable to discovery under this section.

(5) For the purposes of discovery under this section, the insured and the insurer shall each be deemed to be "a party to the record of any civil action or proceedings," where that phrase is used in subparagraph (b)(2) of Section 2019 of the Code of Civil Procedure.

(6) Interrogatories under the provisions of Section 2030 of the Code of Civil Procedure and requests for admission under Section 2033 may be served by either the insured or the insurer upon the other at any time more than 20 days after the accident without leave of court.

(7) Nothing in this section shall be construed to limit the rights of any party to discovery in any action pending or which may hereafter be pending in any court.

(f) The insurer paying a claim under an uninsured motorist endorsement or coverage shall be entitled to be subrogated to the rights of the insured to whom such claim was paid against any person causing such injury or death to the extent that payment was made. Such action may be brought within three years from the date that payment was made hereunder.

(g) An insured entitled to recovery under the uninsured motorist endorsement or coverage shall be reimbursed within the conditions stated herein without being required to sign any release or waiver or rights to which he may be entitled under any other insurance coverage applicable; nor shall payment under this section to such insured be delayed or made contingent upon the decisions as to liability or distribution of loss costs under other bodily injury liability insurance or any bond applicable to the accident. Any loss payable under the terms of the uninsured motorist endorsement or coverage to or for any person may be reduced:

(1) By the amount paid and the present value of all amounts payable to him under any workmen's compensation law exclusive of nonoccupational disability benefits.

(2) By the amounts paid or due to be paid under any valid and collectible automobile medical payment insurance available to the insured.

(3) By the amount the insured is entitled to recover from any other person insured under the underlying liability insurance policy of which the uninsured motorist endorsement or coverage is a part.

(h) No cause of action shall accrue to the insured under any policy or endorsement provision issued pursuant to this section unless within one year from the date of the accident:

(1) Suit for bodily injury has been filed against the uninsured motorist, in a court of competent jurisdiction, or

(2) Agreement as to the amount due under the policy has been concluded, or

(3) The insured has formally instituted arbitration proceedings.

(i) Notwithstanding the provisions of subdivision (h), any insurer whose insured has made a claim under his or her un-

insured motorist coverage, and such claim is pending, shall, at least 30 days before the expiration of the applicable statute of limitation, notify its insured in writing of the statute of limitation applicable to such injury or death. Failure of the insurer to provide such written notice shall operate to toll any applicable statute of limitation or other time limitation for a period of 30 days from the date such written notice is actually given.

CHAPTER 669

An act to add Section 1812 to the Civil Code, relating to attachments.

[Approved by Governor August 4, 1969. Filed with Secretary of State August 4, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 1812 is added to the Civil Code, to read:

1812. In any action on a contract or installment account under this chapter, in addition to the statements required by Section 538 of the Code of Civil Procedure, an affidavit for a writ of attachment shall state facts showing that the action has been commenced in a county or judicial district described in Section 1812.10 as a proper place for the trial of the action.

A plaintiff shall be liable for reasonable attorney's fees proximately caused by any levy made pursuant to a writ of attachment issued upon an affidavit which does not comply with this section.

CHAPTER 670

An act to amend Section 254 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor August 4, 1969. Filed with Secretary of State August 4, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 254 of the Revenue and Taxation Code is amended to read:

254. Any person claiming the church, cemetery, orphanage, college, exhibition, welfare or homeowner's property tax exemption shall make a return of the property to the assessor annually, the same as property is listed for taxation, and shall accompany it by an affidavit, giving any information required by the board.

Any person claiming the immature forest trees exemption shall meet the requirements mentioned above except that each owner or new owner of timber need file only when making his original claim for exemption.

Any person claiming the homeowner's property tax exemption shall meet the requirements of the first paragraph of this section and shall state his name, the address of the property, that the property was owned by him and was occupied as his principal place of residence on the lien date, and such other information as the board may prescribe.

Any person claiming the classification of a vessel as a documented vessel eligible for assessment under Section 227 shall meet the requirements of the first paragraph of this section.

CHAPTER 671

An act to amend Sections 219 and 5366 of the Revenue and Taxation Code, relating to property taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 4, 1969. Filed with Secretary of State August 4, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 219 of the Revenue and Taxation Code is amended to read:

219. Business inventories shall be assessed for taxation at the same ratio of assessed to full cash value as the ratio specified in Section 401. After such property has been so assessed, 15 percent of the assessed value of such property shall be exempt from taxation and such exemption shall be indicated on the assessment roll. The county assessor shall notify the auditor of the total assessed value of the exempt property within each city, district and revenue district wholly or partially within the county. The exemption provided for in this section shall not apply to business inventories assessed as escaped property.

The board shall prescribe all procedures and forms required to carry this exemption into effect and to insure accurate data for reimbursement calculations. In carrying out the duties imposed by this section, the board shall certify to the auditor of each county in which is located a chartered city which assesses property for city tax purposes, the ratio which the auditor shall use to factor the county roll in order to compute the amount of such city's reimbursement. The ratio certified shall be the same ratio used by the board in connection with public utility property on the board roll.

Where a city transfers the assessing and tax collecting functions to the county but continues to assess and collect unsecured taxes for one additional year, the county auditor, in computing the city's reimbursement for the business inventory exemption, shall factor the exempt inventory value on the county unsecured roll with tax situs in the city by the ratio

used by the board in the prior year in preparing the current board roll for the city.

SEC. 2. 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, and the make, model, and aircraft registration number, of all aircraft which were using the airport as a base. The assessors of each county shall, not later than July 1, 1970, and not later than the first day of July of each year thereafter, provide the California Department 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.

SEC. 3. For calendar year 1969, the assessor of each county shall furnish the California Department of Aeronautics the statement required by Section 5366 of the Revenue and Taxation Code by not later than August 1, 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:

Section 5366 of the Revenue and Taxation Code provides that the assessors of each county are to provide the California Department of Aeronautics within 30 days following the lien date a statement containing, among other information, the make, model, aircraft registration number, and assessed value. At the time the assessors are to perform this duty they do not have the property statements containing the necessary information from the aircraft owners and the assessed values are not final on the roll until it is completed on July 1. Accordingly it is necessary that this act become effective immediately if this act is to accomplish its purpose at the earliest possible time with respect to the assessment roll for the fiscal year commencing July 1, 1969.

Some chartered cities assess and collect the taxes on property for city purposes and assess property at a higher ratio of assessed to full cash value than the ratio employed by the county in which the city is located. Therefore, since the county assessment roll is used for the purpose of determining the amount of money the city will be paid by reason of the partial exemption from property taxation for business inventories, the city receives less replacement revenues than it would have realized from its property tax, if the partial exemption had not gone into effect. In order to remedy this situation at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 672

An act to amend Sections 49401, 49753, and 49754 of, and to add Section 49402 and Article 3 (commencing with Section 49851) to Chapter 31 of Division 17 of, and to repeal Section 49402 of, the Agricultural Code, relating to pomegranates and persimmons, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 5, 1969. Filed with Secretary of State August 5, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 49401 of the Agricultural Code is amended to read:

49401. Oriental persimmons shall be mature, at time of picking, but not overripe, and shall be free from any of the following defects:

(a) Mold and decay.

(b) Serious damage, due to cuts, bruises, breaking of the skin, growth cracks, hail, or other causes. Damage to any one persimmon is not serious unless it causes a waste of 10 percent, by weight, of the individual persimmon.

SEC. 2. Section 49402 of the Agricultural Code is repealed.

SEC. 2.5. Section 49402 is added to the Agricultural Code, to read:

49402. No persimmon shall be considered mature unless its outside surface is a shade of red that indicates maturity. Such shade of red shall be determined by regulations of the director.

SEC. 3. Section 49753 of the Agricultural Code is amended to read:

49753. Not more than 10 percent, by count, of the pomegranates in any one container or bulk lot may be below the requirements which are prescribed by this article, but not to exceed one-half of this tolerance shall be allowed for any one cause. Individual containers in any lot may, however, contain not more than 1½ times the tolerances, which are specified, if the percentage of defects of the entire lot averages within the tolerances.

SEC. 4. Section 49754 of the Agricultural Cole is amended to read:

49754. Pomegranates shall not be considered mature unless both of the following requirements are satisfied:

(a) The juice from a composite sample of at least 10 percent of the fruit in any container contains not to exceed 1.85 percent of acid.

(b) The juice is a shade of red that indicates maturity. Such shade of red shall be determined by regulations of the director.

SEC. 5. Article 3 (commencing with Section 49851) is added to Chapter 31 of Division 17 of the Agricultural Code, to read:

Article 3. Exceptions

49851. This chapter does not prohibit any person from transporting pomegranates, that fail to meet the quality standards of this chapter, for processing, preserving or manufacturing purposes within or out of the state, under a permit issued pursuant to this article by the director.

49852. The director shall adopt such regulations for the issuance of the permit as he deems necessary to insure that all such pomegranates which are transported within or out of the state for processing, preserving, or manufacturing purposes will be used only for such purposes.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the provisions of this act may be in effect early enough to enable the proper marketing of pomegranates and persimmons this year, it is essential that this act go into immediate effect.

CHAPTER 673

An act to amend Section 8005 of the Business and Professions Code, relating to shorthand reporters.

[Approved by Governor August 5, 1969. Filed with Secretary of State August 5, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 8005 of the Business and Professions Code is amended to read:

8005. The Certified Shorthand Reporters Board is charged with the executive functions necessary for effectuating the purposes of this chapter. It may appoint such committees as it deems necessary or proper. The board may appoint, prescribe the duties, and fix the salary of an executive secretary, who may be employed on a part-time basis The board may also employ such other employees as may be necessary, subject to civil service and other provisions of law.

CHAPTER 674

An act to amend Sections 5070, 5071, 5072, 5072.5, 5073, and 5076 of, to amend the heading of Article 6 (commencing with Section 5070) of Chapter 1 of Division 5 of, and to add Sections 5075 and 5075.5 to, the Public Resources Code, relating to recreational trails.

[Approved by Governor August 5, 1969. Filed with Secretary of State August 5, 1969.]

The people of the State of California do enact as follows:

SECTION 1. The heading of Article 6 (commencing with Section 5070) of Chapter 1 of Division 5 of the Public Resources Code is amended to read:

Article 6. California Recreational Trails

SEC. 2. Section 5070 of the Public Resources Code is amended to read:

5070. This article shall be known and may be cited as the California Recreational Trails Act.

SEC. 3. Section 5071 of the Public Resources Code is amended to read:

5071. In order to provide for the greatly increasing outdoor needs of a rapidly expanding California population, and in order to provide for public access to, travel within and enjoyment and appreciation of the out-of-doors areas of California, and for the conservation, development, and use of the natural resources of this state for purposes of health, recreation, and protection of the natural resources against fire and other hazards, it is hereby declared to be the public policy of this state and among the purposes of this act to increase the accessibility and encourage the use of such natural resources by the residents of this state and by nonresidents; to provide opportunity for the development of public and private facilities for persons visiting and utilizing the natural resources of this state; to encourage increase in riding, hiking, and bicycling as influences for the improvement of the health and welfare of the people; and to provide for the needs of specialized recreational motor vehicles. It is recognized that trail use by motor vehicles is incompatible with other trail uses, and it is the intent and purpose of this article that separate facilities be provided for motor vehicles.

To implement the foregoing, and as additional purposes of this act, trails shall be established and maintained by the state within and outside of units of the state park system and whenever feasible, to interconnect units of the state park system, but not limited to such, and to perpetuate and provide use of and access to regions and trails of special or historic interest within the state and by local governmental agencies to serve the requirements of the urban population centers of the state; to encourage the multiple use of public rights-of-way and utilize to the fullest extent existing and future scenic roads, highways, parkways, and national recreational trails where feasible for recreational trails use, to encourage the development by counties, cities, and special districts of recreational trails and to assist in such development by all means available; to coordinate trail plans and development by local jurisdictions with one another and with the state and federal governments; to encourage whenever possible the development

of trails on federal lands by the federal government; and to promote at all levels of government a more complete use of public property for recreational purposes.

SEC. 4. Section 5072 of the Public Resources Code is amended to read:

5072. As used in this article, the following terms have the meanings attributed to them in this section, unless the context otherwise requires:

"Trails" means:

(a) Riding, hiking, and bicycling trails for the use of the public.

(b) Trails for the use of motorized vehicles where designated in the trail plan and as posted on the trail.

"Riders and riding" means horseback riders and horseback riding.

"Committee" means the California Recreational Trails Committee.

"Department" means the Department of Parks and Recreation.

"Director" means the Director of Parks and Recreation.

SEC. 5. Section 5072.5 of the Public Resources Code is amended to read:

5072.5. The department may abandon any easement, or portion thereof, which has been acquired for trail or flood purposes, and which is no longer necessary for such purposes; and may transfer any trail or easement to a local governmental agency having jurisdiction over the area in which the easement is located on agreement by such local agency to maintain and operate the trail.

SEC. 6. Section 5073 of the Public Resources Code is amended to read:

5073. The provisions of this article shall be administered by the director. The Governor shall appoint a committee to be known as the California Recreational Trails Committee, to consist of seven members, two from the northern, two from the southern, two from the central portion of the state, and one at large, selected from lists submitted upon invitation by the director by appropriate civilian organizations interested in the establishment and use of recreational trail systems.

The committee shall be responsible to, and shall from time to time advise and make its recommendations known to the department as to all matters directly or indirectly pertaining to trails, their use, extent and location, and the objects and purposes of this article.

SEC. 7. Section 5075 is added to the Public Resources Code, to read:

5075. The committee shall have the responsibility of coordinating trail development among counties and of assisting counties in the formation of their trail plans. In carrying out this responsibility, the committee shall review records of ease-

ments and other interests in lands which are available for recreational trail usage, including public lands, utility easements, other rights-of-way, gifts, and surplus public proprietary lands as may be adaptable for such use and shall advise the department in the development of standards for trail construction so that uniform construction standards may be available to participating counties.

SEC. 8. Section 5075.5 is added to the Public Resources Code, to read:

5075.5. Whenever the state shall have made funds available to be used by counties, cities, and special districts in furtherance of the objects and purposes of this article, it shall be the responsibility of the committee to advise the department of its recommendations for allocation of such funds among the several counties, cities, and special districts.

SEC. 9. Section 5076 of the Public Resources Code is amended to read:

5076. The department shall publish trail plans and standards and supply them to participating counties and interested members of the public, and shall annually prepare a report on recreational trails and forward it to participating counties. The department shall also prepare a state trails map and shall make copies available to members of the public.

The department shall notify the owner of land through which any trail easement or license passes prior to entering an operating agreement for that trail with any local governmental agency and shall secure the consent of the landowner prior to transfer of any trail easement or license to a local governmental agency.

SEC. 10. It is the intent of the Legislature that the effect of this act shall neither diminish nor expand the applicability of Section 5077 of the Public Resources Code and that such section shall apply only to such public agencies to which it applied prior to this act.

CHAPTER 675

An act to add Sections 10666 and 10909 to the Fish and Game Code, relating to refuges.

[Approved by Governor August 5, 1969. Filed with Secretary of State August 5, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 10666 is added to the Fish and Game Code, to read:

10666. In the James V. Fitzgerald Marine Reserve the following fish, mollusks and crustaceans may be taken under the authority of a sport fishing license as authorized by this code: abalone, rockfish (Sebastodes), lingcod, perch, croaker, halibut and surf fish. All other fish and forms of aquatic life

are protected and may not be taken without a written permit from the department.

SEC. 2. Section 10909 is added to the Fish and Game Code, to read:

10909. The following constitutes a marine life refuge and shall be designated the James V. Fitzgerald Marine Reserve:

That portion of District 10 consisting of that certain parcel of land bounded by a line commencing at the mean high tide of the Pacific Ocean lying on a line beginning at the northeasterly corner of Lot 8, Block 42 as said Lot and Block are shown on "Map of Moss Beach Heights San Mateo County Cal", recorded May 4, 1908, in Volume 6 of Maps at page 8, records of San Mateo County; thence North 88° 49' West along the northerly line of said Lot 8 and its Northwesterly prolongation to the intersection thereof with the Westerly line of that certain tract of land (Parcel No. 1) conveyed to the County of San Mateo for a marine reserve, recorded August 8, 1967, in Volume 5346 Official Records of San Mateo County at page 62 (70483-AA) last mentioned intersection being the shoreline of the Pacific Ocean (ordinary high water) and the true Point of Beginning along the prolongation of the Northerly Line of said Lot 8, North 88° 49' West, 1000 feet. into the Pacific Ocean and thence generally Southerly and generally parallel to the shoreline for a distance of approximately three statute miles to the extension of a line beginning at the most Southerly terminus of Course No. 15 of the survey of the Rancho Corral de Tierra as shown on a Plat thereof on file in the Office of the Bureau of Land Management, U. S. Department of the Interior; said most Southerly terminus also being distant on said Course No. 15, South 28° 30' East 269.91 feet from the most Southerly corner of that certain 10.380 acre tract of land conveyed to the United States of America by Deed dated June 18, 1940, recorded October 28, 1940 in Book 918 of Official Records at page 373; running thence from said point of beginning along a line that is the Southwesterly prolongation of Course No. 14 of said survey, South 74° 45' West to the shoreline of the Pacific Ocean (ordinary high water) and the true point of beginning of the least area herein described; thence from said true point of beginning along the prolongation of said Course No. 14, South 74° 45' West, 1000 feet into the Pacific Ocean, thence Easterly along said line to the mean high tide line, thence generally Northerly along the line of the mean high tide to the point of beginning.

CHAPTER 676

An act to amend Section 6285 of the Revenue and Taxation Code, relating to sales and use taxes.

[Approved by Governor August 6, 1969 Filed with Secretary of State August 6, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 6285 of the Revenue and Taxation Code is amended to read:

6285. 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 a vehicle required to be registered under the Vehicle Code, or of a vessel or an aircraft, when the person selling the property is either the parent, grandparent, child, or spouse, or the brother or sister if the sale between such brother or sister is between two minors related by blood or adoption, of the purchaser, and the person selling is not engaged in the business of selling the type of property for which the exemption is claimed.

CHAPTER 677

An act to amend Section 1457 of the Health and Safety Code, relating to records of hospitals.

[Approved by Governor August 6, 1969. Filed with Secretary of State August 6, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 1457 of the Health and Safety Code is amended to read:

1457. The Department of Public Health, with the advice of the Department of Social Welfare, shall prescribe the records to be kept by county hospitals of persons received into or discharged from such institutions, including, but not limited to, records for the admission and processing of county hospital patients.

The records shall be preserved and maintained pursuant to regulations adopted by the department, or at the request of the county physician or other person in charge of the county hospital, the board of supervisors of the county may authorize the destruction of any record, paper or document prescribed by the department following compliance with the conditions prescribed in Section 26205 of the Government Code.

CHAPTER 678

An act to add Section 2631.5 to the Business and Professions Code, relating to physical therapy.

[Approved by Governor August 6, 1969. Filed with Secretary of State August 6, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 2631.5 is added to the Business and Professions Code, to read:

2631.5. Notwithstanding any provisions of this code to the contrary, the board shall admit to the examination for a license as a physical therapist any person who meets all of the following requirements:

(a) Has graduated from a school which specializes in instructing its students in the giving of physical exercise, corrective exercise, hydrotherapy, massage therapy, and electric cabinet baths, and the use of infrared lamps and ultra violet rays.

(b) Has engaged in this state in the administration of massage, external baths, and normal exercise for at least two years between the period September 9, 1946, to September 9, 1953.

(c) Has engaged in this state in the administration of massage, external baths, and normal exercise for at least four years immediately prior to the effective date of this section.

(d) During the periods specified in subdivision (b) and (c) has administered the treatment described therein to persons directed by a physician and surgeon to obtain such treatment. Proof thereof can be submitted by the physician and surgeon.

(e) Is recommended as competent to perform the procedures in physical therapy by at least two physicians and surgeons licensed under this division.

(f) Has been a resident of this state for at least two years prior to the effective date of this section.

(g) Makes application for such license on or before the 10th day following the effective date of this section.

(h) Pays the fee specified in subdivision (a) of Section 2462.

(i) Is not licensed under any other chapter of this code.

CHAPTER 679

An act to add Sections 6502.5 and 6860.5 to the Elections Code, relating to verification deputies.

[Approved by Governor August 6, 1969 Filed with Secretary of State August 6, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 6502.5 is added to the Elections Code, to read:

6502.5. Verification deputies appointed pursuant to this article shall be voters in the district or political subdivision in which the candidate is to be voted on and shall serve only in that district or political subdivision.

SEC. 2. Section 6860.5 is added to the Elections Code, to read:

6860.5. Verification deputies appointed pursuant to this article shall be voters in the district or political subdivision in which the candidate is to be voted on and shall serve only in that district or political subdivision.

CHAPTER 680

An act to amend and renumber Section 2418.1 of the Vehicle Code, relating to ambulances.

[Approved by Governor August 6, 1969. Filed with Secretary of State August 6, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 2418.1 of the Vehicle Code is amended and renumbered to read:

2418.5. 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 device which adequately, effectively and safely restores breathing, which includes, but is not limited to, 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 681

An act to add Section 7538.5 to the Business and Professions Code, relating to private detectives.

[Approved by Governor August 6, 1969. Filed with Secretary of State August 6, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 7538.5 is added to the Business and Professions Code, to read:

7538.5. Any badge or cap insignia worn by a person who is a licensee, officer, director, partner, manager or employee of

a licensee shall be of a design approved by the director, and shall bear on its face a distinctive word indicating the name of the licensee and an employee number by which such person may be identified by the licensee.

The provisions of this section shall not be construed to authorize persons to wear badges who are prohibited by Section 7538 from wearing badges.

CHAPTER 682

An act to repeal Section 21681 of the Public Utilities Code, relating to Airport Assistance Revolving Fund.

[Approved by Governor August 6, 1969. Filed with Secretary of State August 6, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 21681 of the Public Utilities Code is repealed.

CHAPTER 683

An act to amend Section 6121 of the Labor Code, relating to crane boomstops, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 6, 1969. Filed with Secretary of State August 6, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 6421 of the Labor Code is amended to read:

6421. On and after July 1, 1970, all crawler and wheel cranes with cable-controlled booms and with rated lifting capacity of more than 10 tons sold or operated in this state shall be equipped with boomstops that meet standards that shall be established therefor by the division.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The statutory standards presently established for crane boomstops are such that crane operators find it literally impossible to comply therewith and they therefore cannot legally operate. It is therefor necessary that these standards be altered as soon as possible to allow these crane operators to legally operate such cranes.

CHAPTER 684

An act relative to state school building aid assistance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 6, 1969. Filed with Secretary of State August 6, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding Section 21703 of the Education Code, for purposes of Chapter 7 (commencing with Section 21701) of Division 16 of the Education Code, the total amount of bonds to be considered to fulfill the requirements of Chapter 10 (commencing with Section 19551) of Division 14 of the Education Code shall not exceed 10 percent of the taxable property of a unified school district to which this act is applicable, which is not maintaining a junior college, as shown by the last equalized assessment of the county or counties in which the district is located, without modification pursuant to Section 17262 of the Education Code.

This act shall apply only to a district if it meets all of the following conditions:

(1) The factor computed for the territory of the district pursuant to Section 17261 of the Education Code for the 1968–1969 fiscal year was 1.08.

(2) The district has not in the past participated in the state school building aid program.

(3) The district has annexed five school districts since 1956 that have participated in the state school building aid program.

(4) The district has failed to pass three bond issues in 1966 and 1967 and passed a bond issue of seventeen million five hundred thousand dollars ($17,500,000) for school construction purposes on November 5, 1968, the issue being approximately four million five hundred thousand dollars ($4,500,000) above its unmodified bonding capacity.

(5) The district has an average daily attendance of more than 58,000, and the governing board by resolution specified that this act shall be applicable to the district.

SEC. 2. This act shall remain in effect until December 31, 1970, and shall have no force or effect after this 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:

Certain unified school districts are in need of state school building aid assistance due to great growth in school enrollments since 1960 and because of the necessity to repair, reconstruct, and replace all pre-1933 buildings not conforming to the standards of structural safety required by the Field

Act. This act will permit such school districts to remain eligible for the state school building aid program for a period of approximately two years during which time the districts will have sufficient time to adequately plan their building programs and complete all necessary applications with the required state agencies. In order that such districts may obtain sufficient capital outlay assistance from the state school building aid program to meet the educational needs of their students, it is necessary that this act go into effect immediately.

CHAPTER 685

An act to add Section 13581.3 to the Education Code, relating to classified employees of school districts.

[Approved by Governor August 6, 1969. Filed with Secretary of State August 6, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 13581.3 is added to the Education Code, to read:

13581.3. Notwithstanding the provisions of Section 13581 or Section 13712, which exempt certain types of positions or categories of personnel from the classified service of a school district, persons serving in exempt positions or who serve in classified positions but are exempted from the classified service shall, nevertheless, be subject to the provisions of Sections 11708, 13585, 13586, 13587 and 13588. The governing board of every school district shall, by rule or regulation, provide for the implementation of this section.

CHAPTER 686

An act to amend Sections 5081 and 5087, and to repeal Sections 5085 and 5103, of the Business and Professions Code, relating to accountants.

[Approved by Governor August 6, 1969. Filed with Secretary of State August 6, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 5081 of the Business and Professions Code is amended to read:

5081. An applicant for admission to the examination for a certified public accountant certificate shall, (a) be of good moral character, (b) present satisfactory evidence that he has successfully completed a four-year day high school course, or the equivalent hours of courses in an evening high school, which included three years of English and two years of mathe-

matics, or that he has the equivalent thereof as determined by a written examination and approved for that purpose by the Department of Education and administered by an agency approved for that purpose by the Department of Education, and (c) have one of the requirements specified in Section 5081.1.

SEC. 2. Section 5085 of the Business and Professions Code is repealed.

SEC. 3. Section 5087 of the Business and Professions Code is amended to read:

5087. The board may waive the examination requirements contained in Section 5082 and issue a certificate as certified public accountant to any applicant who is a holder of a valid and unrevoked certificate as a certified public accountant issued under the laws of any state, or who is the holder of a comparable certificate or degree issued in a foreign country, if the certified public accountant members of the board determines that the standards under which the applicant received such certificate or degree were as high as the standards established in this article and the applicant also complies with the following:

(1) He shall be over the age of 21, and of good moral character.

(2) He must be a bona fide resident of California, or have a place in California for the regular practice of public accountancy and be actively engaged in such practice although not necessarily so engaged personally in California.

SEC. 4. Section 5103 of the Business and Professions Code is repealed.

CHAPTER 687

An act to amend Section 35401 of the Vehicle Code, relating to vehicles.

[Approved by Governor August 6, 1969. Filed with Secretary of State August 6, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 35401 of the Vehicle Code is amended to read:

35401. (a) No combination of vehicles coupled together, including any attachments thereto, shall exceed a total length of 60 feet, except as provided in subdivision (b).

(b) The following combinations of vehicles coupled together, including any attachments thereto, may exceed a total length of 60 feet but may not exceed a total length of 65 feet:

(1) Motortruck and trailer.

(2) Truck tractor, semitrailer and trailer. In this combination of vehicles, a semitrailer equipped with an auxiliary dolly shall be considered a trailer.

(3) A motortruck and semitrailer that meet the following requirements:

The kingpin is not less than 2 feet to the rear of the center of the rearmost axle of the motortruck, and the distance from the kingpin to the rearmost axle of the semitrailer does not exceed 34 feet.

(4) A motortruck, trailer and forklift truck.

(5) A truck tractor, semitrailer and forklift truck.

(6) A truck tractor, semitrailer and a semitrailer designed to transport a forklift truck.

(7) A truck tractor, semitrailer and logging dolly.

(c) Any city or county may, by ordinance, prohibit such combination of vehicles of a total length in excess of 60 feet upon highways under their respective jurisdiction. Such an ordinance shall not be effective until appropriate signs are erected indicating either the streets affected by the ordinance or the streets not affected, as the local authorities determine will best serve to give notice of the ordinance.

SEC. 2. Section 35401 of the Vehicle Code is amended to read:

35401. (a) No combination of vehicles coupled together, including any attachments thereto, shall exceed a total length of 60 feet, except as provided in subdivision (b).

(b) The following combinations of vehicles coupled together, including any attachments thereto, may exceed a total length of 60 feet but may not exceed a total length of 65 feet:

(1) Motortruck and trailer.

(2) Truck tractor, semitrailer and trailer. In this combination of vehicles, a semitrailer equipped with an auxiliary dolly shall be considered a trailer.

(3) A motortruck and semitrailer that meet the following requirements:

The kingpin is not less than 2 feet to the rear of the center of the rearmost axle of the motortruck, and the distance from the kingpin to the rearmost axle of the semitrailer does not exceed 34 feet.

(4) A motortruck, trailer and forklift truck.

(5) A truck tractor, semitrailer and forklift truck.

(6) A truck tractor, semitrailer and a semitrailer designed to transport a forklift truck.

(7) A truck tractor, semitrailer and logging dolly.

(8) Motortrucks and truck tractors while being operated in a "driveaway-towaway operation."

(c) Any city or county may, by ordinance, prohibit such combination of vehicles of a total length in excess of 60 feet upon highways under their respective jurisdiction. Such an ordinance shall not be effective until appropriate signs are erected indicating either the streets affected by the ordinance or the streets not affected, as the local authorities determine will best serve to give notice of the ordinance.

SEC. 3. It is the intent of the Legislature, if amendments to Section 35401 of the Vehicle Code proposed by both this bill and A.B. 903 are enacted, that both amendments be given effect and incorporated in Section 35401 in the form set forth in Section 2 of this act. Therefore, in the event A.B. 903 is enacted and amends Section 35401, Section 2 of this act shall become operative at the same time that Section 35401 as amended by A.B. 903 becomes operative, and at that time, Section 35401 of the Vehicle Code as amended by Section 1 of this act is repealed.

CHAPTER 688

An act to amend Section 4291 of the Public Resources Code, relating to forest fire protection.

[Approved by Governor August 6, 1969. Filed with Secretary of State August 6, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 4291 of the Public Resources Code is amended to read:

4291. Any person that owns, leases, controls, operates, or maintains any building or structure in, upon, or adjoining any mountainous area or forest-covered lands, brush-covered lands, or grass-covered lands, or any land which is covered with flammable material, shall at all times do all of the following:

(a) Maintain around and adjacent to such building or structure a firebreak made by removing and clearing away, for a distance of not less than 30 feet on each side thereof or to the property line, whichever is nearer, all flammable vegetation or other combustible growth. This subdivision does not apply to single specimens of trees, ornamental shrubbery, or similar plants which are used as ground cover, if they do not form a means of rapidly transmitting fire from the native growth to any building or structure.

(b) Maintain around and adjacent to any such building or structure additional fire protection or firebreak made by removing all brush, flammable vegetation, or combustible growth which is located from 30 feet to 100 feet from such building or structure or to the property line, whichever is nearer, as may be required by the State Forester if he finds that, because of extra hazardous conditions, a firebreak of only 30 feet around such building or structure is not sufficient to provide reasonable fire safety. Grass and other vegetation located more than 30 feet from such building or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion.

(c) Remove that portion of any tree which extends within 10 feet of the outlet of any chimney or stovepipe.

(d) Maintain any tree adjacent to or overhanging any building free of dead or dying wood.

(e) Maintain the roof of any structure free of leaves, needles, or other dead vegetative growth.

(f) Provide and maintain at all times a screen over the outlet of every chimney or stovepipe that is attached to any fireplace, stove, or other device that burns any solid or liquid fuel. The screen shall be constructed of nonflammable material with openings of not more than one-half inch in size.

(g) The State Forester may adopt regulations exempting structures with exteriors constructed entirely of nonflammable materials, or conditioned upon the contents and composition of same, he may vary the requirements respecting the removing or clearing away of flammable vegetation or other combustible growth with respect to the area surrounding said structures.

No such exemption or variance shall apply unless and until the occupant thereof, or if there be no occupant, then the owner thereof, files with the State Forester, in such form as the State Forester shall prescribe, a written consent to the inspection of the interior and contents of such structure to ascertain whether the provisions hereof and the regulations adopted hereunder are complied with at all times.

CHAPTER 689

An act to amend Sections 45, 2366 and 8304 of, and to add Section 7709 to, the Fish and Game Code, relating to commercial fishing.

[Approved by Governor August 6, 1969 Filed with Secretary of State August 6, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 45 of the Fish and Game Code is amended to read:

45. "Fish" means wild fish, mollusks, crustaceans, invertebrates, or amphibians, including any part, spawn, or ova thereof.

SEC. 2. Section 2366 of the Fish and Game Code is amended to read:

2366. Abalone meat may not be transported out of the state. Ground abalone trimmings, however, when canned, frozen, or made into meal, may be transported out of the state.

This section has no force or effect until the 61st day after final adjournment of the 1971 Regular Session.

SEC. 3. Section 7709 is added to the Fish and Game Code, to read:

7709. The commission may establish rules and regulations for the commercial taking of fish for educational and scientific purposes.

SEC. 4. Section 8304 of the Fish and Game Code is amended to read:

8304. It is unlawful to take any abalone, the shell of which, measured in greatest diameter, is less than the following specifications: red abalone, 7¾ inches; green abalone, 7¼ inches; pink abalone and white abalone, 6 inches; black abalone, 5 inches.

CHAPTER 690

An act to amend Sections 483, 484, and 486 of, and to add Section 505 to, the Code of Civil Procedure, relating to civil arrest.

[Approved by Governor August 6, 1969. Filed with Secretary of State August 6, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 483 of the Code of Civil Procedure is amended to read:

483. (a) The order may be made at the time of the issuing of the summons, or at any time afterwards before judgment. It must require the sheriff, or any constable or marshal of the county where the defendant may be found, forthwith to arrest him and hold him to bail in a specified sum, and to return the order at a time therein mentioned, to the clerk or judge of the court in which the action is pending.

(b) The order shall contain on its face a statement that the defendant is entitled to the services of an attorney to represent him in all stages of the proceedings, and that if he is indigent and unable to afford counsel, the court will appoint an attorney to represent him.

(c) The order shall also state on its face that the defendant shall, on the day of the arrest if the court is in session, or on the next court day if the court is not in session, be brought before a judge of the court in which the action is pending, or if arrested by a sheriff, marshal or constable in another county, before a judge of a court of equivalent jurisdiction, and there have bail set for him, if not already set in such order, and to have an immediate hearing on the validity of his arrest under the order.

SEC. 2. Section 484 of the Code of Civil Procedure is amended to read:

484. The order of arrest, with a copy of the affidavit upon which it is made, must be delivered to the sheriff, or a constable, or marshal, who, upon arresting the defendant, must deliver to him a copy of the affidavit, and also a copy of the order of arrest.

SEC. 3. Section 486 of the Code of Civil Procedure is amended to read:

486. The defendant, at any time before execution, must be discharged from the arrest, either upon giving bail or upon depositing the amount mentioned in the order of arrest, or subject to an order of the court after the hearing provided for in subdivision (b) of Section 505.

SEC. 4. Section 505 is added to the Code of Civil Procedure, to read:

505. (a) Any defendant arrested pursuant to the provisions of this chapter shall be entitled to the services of an attorney to represent him in all stages of the proceedings, and, if he is indigent and unable to afford counsel, the court shall appoint an attorney to represent him.

(b) Any defendant arrested pursuant to the provisions of this chapter shall, on the date of the arrest if the court is in session or on the next court day if the court is not in session, be brought before a judge of the court in which the action is pending or, if arrested by a sheriff, marshal, or constable in another county, before a judge of a court of equivalent jurisdiction and shall have bail set for him, if not already set in the order for the arrest, and shall have an immediate hearing on the validity of his arrest under the order. The hearing shall take precedence over all other civil actions on the calendar of the court.

CHAPTER 691

An act to amend Section 9580.1 of the Business and Professions Code, relating to cleaning, dyeing and pressing.

[Approved by Governor August 6, 1969 Filed with Secretary of State August 6, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 9580.1 of the Business and Professions Code is amended to read:

9580.1. After the issuance of a certificate of completion for a new clothes-cleaning establishment by the State Fire Marshal, as provided in the Health and Safety Code, Sections 13300 to 13404, inclusive, each person receiving such certificate of completion shall pay to the board a fee to be fixed by regulation of the board. Such fee shall be not more than five hundred dollars ($500). In fixing such 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.

CHAPTER 692

An act to amend Sections 12051 and 12055 of the Education Code, relating to school safety patrols.

[Approved by Governor August 6, 1969. Filed with Secretary of State August 6, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 12051 of the Education Code is amended to read:

12051. The governing board of any school district may, subject to such rules and regulations as shall be adopted by the State Board of Education, establish and maintain a school safety patrol in any of the schools of the district for the purpose of assisting school pupils in safely crossing streets and highways adjacent to or near such school.

SEC. 2. Section 12055 of the Education Code is amended to read:

12055. The members of a school safety patrol established hereunder shall be authorized and required only to give traffic signals and directions in order to assist school pupils in safely crossing streets and highways.

CHAPTER 693

An act to amend Section 10664 of, and to add Section 10910 to, the Fish and Game Code, relating to the Point Fermin Marine Life Refuge.

[Approved by Governor August 6, 1969. Filed with Secretary of State August 6, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 10664 of the Fish and Game Code is amended to read:

10664. In the Laguna Beach, Newport Beach, Point Fermin, South Laguna Beach, Dana Point, and Doheny Beach Marine Life Refuges, the following fish, mollusks and crustaceans may be taken under the authority of a sport fishing license as authorized by this code: abalone, lobster, bonita, rockfish (Sebastodes), mackerel, perch, kelp bass, sand bass, spotted bass, corbina, croaker and halibut. All other fish and forms of aquatic life are protected and may not be taken without a written permit from the department.

SEC. 2. Section 10910 is added to the Fish and Game Code, to read:

10910. The following constitutes a marine life refuge and shall be designated as the Point Fermin Marine Life Refuge:

That portion of District 19 consisting of land and ocean waters bounded by the line of mean high tide of the Pacific Ocean extending into and including the state waters of the State of California for a distance of 600 feet below low-tide mark, in the San Pedro area of the City of Los Angeles in an area generally parallel to the shoreline lying between the easterly extension of 40th Street, westerly to the southerly extension of Gaffey Street at Point Fermin.

CHAPTER 694

An act to amend Section 17531.7 of the Business and Professions Code, relating to television tubes and containers.

[Approved by Governor August 6, 1969. Filed with Secretary of State August 6, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 17531.7 of the Business and Professions Code is amended to read:

17531.7. (a) No manufacturer, processor, or distributor of television picture tubes shall sell, offer for sale, or expose for sale any such tube unless the television picture tube and its container, if any, are correctly labeled to indicate the new and used materials of such tube according to the schedule and manner as hereinafter provided.

Description of the picture tube by new and used components and materials shall be indicated by setting forth on the label the particular grade and verbatim description as selected from the following which applies to such tube.

SCHEDULE

Black and White Picture Tubes

Grade AA—Description—All new components and materials including new glass envelope.

Grade A—Description—Used glass envelope, all other components and materials are new.

Grade B—Description—Used glass envelope, used phosphorescent viewing screen, used aluminization, used internal conductive coating, all other components and materials are new.

Grade C—Description—Used picture tube for resale, all significant components and materials are used.

Color Picture Tubes

Grade AA—Description—All new components and materials, including new glass envelope.

Grade A—Description—Used glass envelope, new or used shadow mask, all other components and materials are new.

Grade B—Description—New electron gun, all other components and materials are used.

Grade C—Description—Used picture tube for resale, all significant components and materials are used.

(b) The fact that a used picture tube has been rejuvenated, or has a new or used brightener attached to it, or has fresh paint or coating on the outside, or any combination of the above, shall not change its status or description as a Grade C picture tube, and the terms "rebuilt" or "reconditioned" or words of like import shall not be used to describe such tube.

(c) Where a picture tube is a "second" such tube shall be designated by label as a "second" to the exclusion of any other grade designation or component description and the following additional notation shall appear verbatim on the label:

—This picture tube is a manufacturer's reject or second line quality tube but it is capable of giving satisfactory performance—

CHAPTER 695

An act to add Section 317 to the Fish and Game Code, relating to hunting.

[Approved by Governor August 6, 1969 Filed with Secretary of State August 6, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 317 is added to the Fish and Game Code, to read:

317. Any organization conducting a special hunt for servicemen or veterans residing in or assigned to a United States veterans or armed services medical facility may apply to the commission for, and the commission may issue, under such terms and conditions as it may impose, a permit to take birds and mammals notwithstanding the provisions of Sections 2006 and 3002.

CHAPTER 696

An act to amend Section 3517 of the Fish and Game Code, relating to partridges.

[Approved by Governor August 6, 1969 Filed with Secretary of State August 6, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 3517 of the Fish and Game Code is amended to read:

3517. Domestically reared redlegged partridges of the variety Indian chukar (Alectoris graeca chukar) may be released and taken for dog training and field trials pursuant to Section 3510 and on licensed pheasant clubs and licensed game bird clubs as authorized by the commission.

The season for taking shall be September 1 through March 31 in Zone A pheasant areas, and September 1 for nine consecutive months in Zone B pheasant areas, as such areas are designated in Section 3271. There shall be no daily or seasonal bag limit imposed by the state for the taking of such species.

The commission may adopt such regulations as it deems necessary to govern the release, taking and possession of chukars released on these areas.

CHAPTER 697

An act to amend Sections 9402, 9700, 36010, 36110, and 36300 of the Vehicle Code, relating to vehicles.

[Approved by Governor August 6, 1969 Filed with Secretary of State August 6, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 9402 of the Vehicle Code is amended to read:

9402. An additional fee of two dollars ($2) shall be charged each quarter or period of three consecutive calendar months whenever a person pays the fee under Section 9400 on a quarterly basis.

SEC. 2. Section 9700 of the Vehicle Code is amended to read:

9700. With respect to vehicles subject to additional registration fees under Section 9400, such fees may be paid for a three-month period for one-fourth the regular fee, at the beginning of any calendar quarter except that such fees for farm trailers shall be paid for three consecutive calendar months irrespective of any calendar quarters.

SEC. 3. Section 36010 of the Vehicle Code is amended to read:

36010. A "farm trailer" is a trailer or semi-trailer owned and operated by a farmer in the conduct of agricultural operations, and used exclusively to transport agricultural products upon the highway to the point of first handling and return.

SEC. 4. Section 36110 of the Vehicle Code is amended to read:

36110. (a) "Farm trailers," as defined in Section 36010, having a gross weight of 6,000 pounds or less, are exempt from registration except that Section 36125 shall apply to such trailers.

(b) "Farm trailers," as defined in Section 36010, having a gross weight of more than 6,000 pounds are subject to regis-

tration but may pay the additional fees required by Section 9401 for a period of three consecutive months as provided in Section 9700.

SEC. 5. Section 36300 of the Vehicle Code is amended to read:

36300. Any person while driving or operating implements of husbandry incidentally operated or moved over a highway is not required to obtain a driver's license, except that the driver of any farm tractor while being used to draw a farm trailer carrying farm produce between farms or from a farm to a processing or handling point and return shall be in possession of a driver's license of the appropriate class other than a junior permit.

CHAPTER 698

An act to amend Section 7028.3 of the Business and Professions Code, relating to contractors.

[Approved by Governor August 6, 1969. Filed with Secretary of State August 6, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 7028.3 of the Business and Professions Code is amended to read:

7028.3. In addition to all other remedies, when it appears to the registrar, either upon complaint or otherwise, that any person who is a licensee has engaged in, or is engaging in any act, practice, or transaction which constitutes a violation of this chapter wherein another person may be substantially injured, or that any person, who does not hold a state contractor's license in any classification, has engaged in, or is engaging in, any act, practice, or transaction which constitutes a violation of this chapter, the registrar may, either through the attorney general or through the district attorney of the county in which the act, practice, or transaction is alleged to have been committed, apply to the superior court of that county or any other county in which such person maintains a place of business or resides, for an injunction restraining such person from such act, practice, or transaction in violation of this chapter, and, upon a proper showing, a temporary restraining order, a preliminary injunction, or a permanent injunction shall be granted without bond.

CHAPTER 699

An act to amend Section 620 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor August 6, 1969. Filed with Secretary of State August 6, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 620 of the Revenue and Taxation Code is amended to read:

620. If the assessor does not send a notice pursuant to Section 619 or Section 622 to an assessee whose property was not on the prior year's secured roll, or to an assessee of real property on the local secured roll whose property's full cash value has increased, then such assessee may pay taxes under protest. If payments are made in installments, the protest need not be repeated with the second installment. Protests shall be made by filing with the tax collector, together with the payment of the taxes or their first installment, a petition for assessment reduction on the form prescribed by the county board, which form the collector is to forward to the clerk of the county board with the notation that taxes were paid under protest pursuant to this section. The county board may, after receipt of the petition for assessment reduction from the tax collector, hold a public hearing at the next regular board meeting, notice of time and place of which shall be sent to the person paying the tax under protest at the address stated in the protest or if no such address is stated, then to the address of the assessee according to the last equalized assessment roll. If the taxes are so paid and the assessee has not previously applied for a reduction of the assessment, the county board at its next annual meeting as an equalization board shall thereupon equalize such assessment in the manner prescribed by Article 1 (commencing with Section 1601), Chapter 1, Part 3 of this division.

The tax rate fixed for property on the roll on which the property so equalized appears at the time of its original assessment shall be applied to the amount of the equalized assessment, determined in accordance with the preceding paragraph. In the event that the resulting figure is less than the tax theretofore computed, the taxpayer shall be liable for tax only for the lesser amount, and the difference shall be canceled. If the taxpayer has already paid the tax previously computed, such difference shall be refunded to him pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of this division, as an erroneously collected tax.

If any taxes are paid under protest pursuant to this section, the taxing agency to which the taxes are paid may, in accordance with Section 26906.1 of the Government Code, impound such taxes until the final disposition of the claim or action respecting the protest. No such impounding is required.

CHAPTER 700

An act to amend Section 823 of the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 6, 1969. Filed with Secretary of State August 6, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 823 of the Public Utilities Code is amended to read:

823. (a) No public utility shall, without the consent of the commission, apply any part of the issue of any stock or stock certificate or other evidence of interest or ownership, or bond, note, or other evidence of indebtedness, or any proceeds thereof, to any purpose not specified in the commission's order, or to any purpose specified in the order in excess of the amount authorized for such purpose, or issue or dispose thereof on any terms less favorable than those specified in the order, or a modification thereof.

(b) A public utility may issue notes, for proper purposes and not in violation of any provision of law, payable at periods of not more than 12 months after the date of issuance of the notes without the consent of the commission.

(c) Notwithstanding the provisions of subdivision (b), no public utility as defined in Section 201(e) of the Federal Power Act (49 Stat. 847, 16 U.S.C. 824) shall, without the consent of the commission, issue notes payable at periods of not more than 12 months after the date of issuance of the notes if such notes and all other notes payable at periods of not more than 12 months after the date of issuance of such notes on which such public utility is primarily or secondarily liable would exceed in aggregate amount 5 percent of the par value of the other securities then outstanding. In the case of securities having no par value, the par value for the purposes of this subsection shall be the fair market value as of the date of issue.

(d) No note payable at a period of not more than 12 months after the date of issuance of such note shall, in whole or in part, be refunded by any issue of stocks or stock certificates or other evidence of interest or ownership, or of bonds, notes of any term or character, or any other evidence of indebtedness, without the consent of the commission.

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:

Increasing demands for public utility service require that large amounts of additional capital be raised to meet present substantial commitments for expanding customer require-

ments. Under present security market conditions, public utilities must often secure a larger share of such funds through short term borrowing. In order to provide for the prompt authorization of this type of financing proposal it is necessary that such larger short term borrowing be subject to regulation by the Public Utilities Commission which has demonstrated its ability to respond to urgent situations, and make it unnecessary to seek such authority from the Federal Power Commission. As such funds must be secured at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 701

An act to add Section 10754 to the Education Code, relating to pupil records.

[Approved by Governor August 6, 1969. Filed with Secretary of State August 6, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 10754 is added to the Education Code, to read:

10754. The service of a subpoena upon a public school employee solely for the purpose of causing him to produce a school record pertaining to any pupil may be complied with by such employee, in lieu of a personal appearance as a witness in the proceeding, by submitting to the court, or other agency issuing the subpoena, at the time and place required by the subpoena, a copy of such record, accompanied by an affidavit certifying that such copy is a true copy of the original record on file in the school or school office. The copy of the record shall be in the form of a photostat, microfilm, microcard, or miniature photograph or other photographic copy or reproduction, or an enlargement thereof.

CHAPTER 702

An act to amend Sections 58657, 58682, 58775, and 59111 of, and to repeal Sections 58772 and 58776 of, the Agricultural Code, relating to agriculture.

[Approved by Governor August 6, 1969. Filed with Secretary of State August 6, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 58657 of the Agricultural Code is amended to read:

58657. The provisions of this chapter regarding the marketing of commodities are applicable to fish and seafood

and persons that handle, process, or distribute fish and seafood.

Any marketing order or agreement relating to fish and seafood shall affect handlers only. It may include only those provisions which are authorized by Sections 58889 and 58892, and any other provisions of this chapter necessary to carry out the purposes of Sections 58889 and 58892. Such provisions shall apply to all fish and seafood whether or not they are a product of this state.

SEC. 2. Section 58682 of the Agricultural Code is amended to read:

58682. This chapter is not applicable to any retailer of any commodity except to the extent that such retailer also engages in the production, processing or distribution of any commodity.

SEC. 3. Section 58772 of the Agricultural Code is repealed.

SEC. 4. Section 58775 of the Agricultural Code is amended to read:

58775. To provide the director with accurate and reliable information, if such information is not then on file in the department, regarding the persons that may be directly affected by the provisions of any proposed marketing order for any commodity, the director shall, if he has reason to believe that the issuance of a marketing order will tend to effectuate the declared policy of this chapter, or upon receipt of a written application for a hearing pursuant to Section 58771, notify all handlers of such commodity, by publication of a notice as required by Section 58777, to file with the director within 10 days from the last date of such publication a report, properly certified, which shows all of the following:

(a) The correct name and address of such handler.

(b) The quantities of the commodity that are affected by such proposed marketing order which were handled by such handler in the marketing season next preceding the filing of such report.

(c) The correct name and address of every producer of such commodity, that may be directly affected by such proposed marketing order, from whom such handler received such commodity in the marketing season next preceding the filing of such report.

(d) The quantities of such commodity which were received by such handler from each such producer in the marketing season next preceding the filing of such report.

SEC. 5. Section 58776 of the Agricultural Code is repealed.

SEC. 6. Section 59111 of the Agricultural Code is amended to read:

59111. Upon the issuance of any order which makes effective a marketing order, or any suspension, amendment, or termination of a marketing order, a notice of the issuance shall be posted on a public bulletin board which the director shall maintain in his office. A marketing order, or any suspension, amendment, or termination of it, shall not become effective

until five days after the date of such posting. The director shall also mail a copy of the notice to every person that is directly affected by the terms of such marketing order, suspension, amendment, or termination, whose name and address is on file in the office of the director, and to every person that files in the office of the director a written request for such notice.

CHAPTER 703

An act to add Section 149 to the Streets and Highway Code, relating to mass public transportation.

[Approved by Governor August 7, 1969 Filed with Secretary of State August 7, 1969.]

The people of the State of California do enact as follows:

SECTION 1. One of the primary methods of moving people in the urban areas of this state is the freeway system. The investment made in this system requires that it be used as effectively as possible to provide an efficient transit method. Thus, experimentation in the use of the freeway lanes is essential. By the enactment of this act, the Legislature intends to authorize and encourage the Department of Public Works to study and experiment with various methods of freeway use to discover the manner in which the freeway system in urban areas can be most effectively utilized.

SEC. 2. Section 149 is added to the Streets and Highways Code, to read:

149. In addition to all other existing or future authority relating to the joint use or occupancy of highways, the department may, by regulation or cooperative agreements with public or private agencies furnishing mass public transportation, authorize or permit exclusive or preferential use of freeway lanes for such mass public transportation.

Such exclusive or preferential use of freeway lanes shall be based upon competent traffic engineering and surveys and estimates developed or supported by the continuing comprehensive transportation planning processes of the urbanized area involved. Additionally, any such public or private agency providing mass public transportation shall, as a condition of such exclusive or preferential use of freeway lanes, give adequate assurance of the continued availability of mass transportation facilities required to meet the conditions established by the department, and, in addition, agree to maintain a satisfactory level of service in terms of comfort, convenience and fare structure.

Such exclusive or preferential use of freeway lanes shall also be subject to such geometric design standards, scheduling, reservations, restrictions and conditions as the department deems necessary or desirable to increase the effectiveness of the highway system for the safe and efficient movement of people and

goods, to assure adequate protection for the safety of operation of all motor vehicle traffic, and to protect the adequacy of the facilities to meet traffic needs.

In permitting exclusive or preferential use of freeway lanes for mass public transportation, provision may also be made for electrification or use of other power sources under such terms and conditions as the department deems necessary to accomplish the objectives of this section. Additionally, any such regulation or cooperative agreement shall also provide for the payment of compensation where required by other provisions of law or where otherwise deemed appropriate.

To the extent they are available, the department may apply for and use federal aid funds appropriated for the design, construction, and use of such exclusive or preferential freeway lanes for mass public transportation, but may also use other funds, including other federal aid funds, for those purposes where proper and desirable.

This section shall be known and may be cited as the Carrell Act.

SEC. 3. The provisions of Sections 1 and 2 of this act shall be operative until January 1, 1975. Upon the termination of the operative period of this act, the Department of Public Works shall prepare a report on the experimental programs which it conducted, its findings, and its recommendations for the restricted use of freeway lanes.

CHAPTER 704

An act to amend Section 4904 of the Penal Code, relating to damages for wrongful imprisonment.

[Approved by Governor August 7, 1969 Filed with Secretary of State August 7, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 4904 of the Penal Code is amended to read:

4904. If the evidence shows that the crime with which the claimant was charged was either not committed at all, or, if committed, was not committed by the claimant, and that the claimant did not, by any act or omission either intentionally or negligently, contribute to the bringing about of his arrest or conviction, and that the claimant has sustained pecuniary injury through his erroneous conviction and imprisonment, the Board of Control shall report the facts of the case and its conclusions to the next Legislature of this state, with a recommendation that an appropriation be made by the Legislature for the purpose of indemnifying the claimant for such pecuniary injury; but the amount of the appropriation so recommended shall not exceed in any case, the sum of ten thousand dollars ($10,000).

CHAPTER 705

An act to amend Sections 11556, 11557, and 11699 of, to add Sections 923.5 and 11558 to, and to repeal Sections 11558, 11559, 11560, 11561, 11562, 11563, 11564, and 11565 of, the Insurance Code, relating to insurance.

[Approved by Governor August 7, 1969. Filed with Secretary of State August 7, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 923.5 is added to the Insurance Code, to read:

923.5. Each insurer transacting business in this state shall at all times maintain reserves in an amount estimated in the aggregate to provide for the payment of all losses and claims for which such insurer may be liable, and to provide for the expense of adjustment or settlement of losses and claims.

Such reserves shall be computed in accordance with regulations made from time to time by the commissioner. The promulgation of such regulations by the commissioner, or any changes thereto or amendments thereof, shall be in accordance with the procedure provided in Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code. The commissioner shall make such regulations upon reasonable consideration of the ascertained experience and the character of such kinds of business for the purpose of adequately protecting the insured and securing the solvency of the insurer.

With respect to liability, common carrier liability, and compensation insurance, such regulations shall be consistent with Section 11558.

The commissioner may prescribe the manner and form of reporting pertinent information concerning the reserves provided for in this section.

This section shall not apply to life insurance, title insurance, disability insurance, mortgage insurance, or mortgage guaranty insurance.

SEC. 2. Section 11556 of the Insurance Code is amended to read:

11556. The reserve for outstanding losses and loss expenses under such liability or compensation insurance, shall be determined in accordance with the regulations of the commissioner promulgated pursuant to Section 923.5.

SEC. 3. Section 11557 of the Insurance Code is amended to read:

11557. Whenever the reserves for outstanding liability or compensation losses and loss expenses of any insurer, computed pursuant to this article, seem inadequate to the commissioner, he shall require such insurer to maintain additional reserves.

SEC. 4. Section 11558 of the Insurance Code is repealed.

SEC. 5. Section 11558 is added to the Insurance Code, to read:

11558. The minimum reserve requirements prescribed by the commissioner in regulations promulgated pursuant to Section 923.5 for outstanding losses and loss expenses for each of the most recent three years for coverages included in the lines of business described in the annual statement as workmen's compensation, liability other than automobile bodily injury, and automobile liability bodily injury shall be not less than the following:

(a) For workmen's compensation, 65 percent of earned premiums during each year less the amount already paid for losses and expenses incidental thereto incurred during each such year.

(b) For liability other than automobile bodily injury, and for automobile liability bodily injury, 60 percent of earned premiums during each year less the amount already paid for losses and expenses incidental thereto incurred during each such year.

The commissioner may prescribe the manner and form of reporting pertinent information concerning the reserves provided for in this section.

SEC. 6. Section 11559 of the Insurance Code is repealed.

SEC. 7. Section 11560 of the Insurance Code is repealed.

SEC. 8. Section 11561 of the Insurance Code is repealed.

SEC. 9. Section 11562 of the Insurance Code is repealed.

SEC. 10. Section 11563 of the Insurance Code is repealed.

SEC. 11. Section 11564 of the Insurance Code is repealed.

SEC. 12. Section 11565 of the Insurance Code is repealed.

SEC. 13. Section 11699 of the Insurance Code is amended to read:

11699. The bond shall be in an amount:

(a) Not less than the sum of the following amounts computed, less credits and deductions allowable with respect to reinsurance in admitted insurers, as of the close of the last preceding December 31st in respect to workmen's compensation insurance written subject to the workmen's compensation laws of this state:

(1) The aggregate of the present values at 4-percent interest, of the determined and estimated future payments upon compensation claims not included in paragraph (2) of this subdivision, including in such claims both benefits and loss expenses.

(2) The aggregate of the amounts computed as follows: For each of the preceding three years take 65 percent of the earned compensation premiums for that year and deduct all loss and loss expense payments made upon claims incurred in the corresponding year from such 65 percent; except that the amount for each such year shall not be less than the present value at 4-percent interest of the determined and the estimated

unpaid claims incurred in each such year, including both benefits and loss expenses.

(b) Not less than one hundred thousand dollars ($100,000).

(c) If the aggregate amount computed under subdivision (a) exceeds fifty thousand dollars ($50,000), not more than double such aggregate amount.

CHAPTER 706

An act to amend Sections 9087, 9283, 9306.4, 9317.5, 9321, 9323, 9341, 9342, 9347, 9544, 9701, and 9708 of, and to repeal Sections 9041, 9081, 9082, 9281, 9282, 9306.2, 9306.3, 9317.3, 9317.4, 9322, 9502.1, 9522.1, 9542, 9543, 9702 and 9703 of, the Public Resources Code, relating to soil conservation.

[Approved by Governor August 7, 1969. Filed with Secretary of State August 7, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 9041 of the Public Resources Code is repealed.

SEC. 2. Section 9081 of the Public Resources Code is repealed.

SEC. 3. Section 9082 of the Public Resources Code is repealed.

SEC. 4. Section 9087 of the Public Resources Code is amended to read:

9087. Within 30 days after receiving the report of the county boundary commission on such proposal, the board of supervisors shall consider the matter and advise the proponents in writing of any changes in the proposed boundaries believed to be in the public interest. The recommendations of the board of supervisors or its finding that the proposed boundaries are satisfactory shall be accompanied by a copy of the report from the county boundary commission. A copy of the board's determination shall be sent to the county boundary commission and the chief.

SEC. 5. Section 9281 of the Public Resources Code is repealed.

SEC. 6. Section 9282 of the Public Resources Code is repealed.

SEC. 7. Section 9283 of the Public Resources Code is amended to read:

9283. Upon receipt of a proposal for the inclusion of additional land the board of directors shall submit the proposal to the county boundary commission of each county in which any part of the proposed addition is located.

SEC. 8. Section 9306.2 of the Public Resources Code is repealed.

SEC. 9. Section 9306.3 of the Public Resources Code is repealed.

SEC. 10. Section 9306.4 of the Public Resources Code is amended to read:

9306.4. Upon the receipt of a proposal for the inclusion of additional land, the board of supervisors shall submit the proposal to the county boundary commission of each county in which any part of the proposed addition is located.

SEC. 11. Section 9317.3 of the Public Resources Code is repealed.

SEC. 12. Section 9317.4 of the Public Resources Code is repealed.

SEC. 13. Section 9317.5 of the Public Resources Code is amended to read:

9317.5. Upon receipt of a petition for inclusion of additional land, the board of directors shall submit the proposal to the county boundary commission of each county in which any part of the proposed addition is located.

SEC. 14. Section 9321 of the Public Resources Code is amended to read:

9321. The county boundary commission shall file its report and recommendations on the area of expansion with the board of directors of the district.

SEC. 15. Section 9322 of the Public Resources Code is repealed.

SEC. 16. Section 9323 of the Public Resources Code is amended to read:

9323. Upon approval by the county boundary commission, with the concurrence of the chief, of the recommended ultimate boundaries to which the district should logically expand, requests for the inclusion of additional lands within the ultimate boundaries may be submitted to the board of directors of the district. Such approval and concurrence in the recommended ultimate boundaries shall be completely without legal or other effect, except that if one or more landowners within the recommended ultimate boundaries of the district, whether contiguous or noncontiguous, request the inclusion of land owned by them, the board shall without a hearing determine if the inclusion of such land is for the best interest of the district, and if so, include the land without other proceedings.

SEC. 17. Section 9341 of the Public Resources Code is amended to read:

9341. The board shall transmit to the chief a notice of the receipt of the petition and a copy of the notice of hearing on the petition.

SEC. 18. Section 9342 of the Public Resources Code is amended to read:

9342. At the hearing the board shall hear and consider all evidence and testimony in favor of or in opposition to dissolution.

SEC. 19. Section 9347 of the Public Resources Code is amended to read:

9347. If at the election 51 percent or more of the votes cast are in favor of dissolution the board shall make and enter an order declaring the district dissolved and thereupon the district is dissolved. A copy of the order shall be recorded with the county recorder of each county in which any portion of the district is situated and certified copies of the order shall be transmitted to the chief, to the State Board of Equalization, and to the Secretary of State.

SEC. 20. Section 9502.1 of the Public Resources Code is repealed.

SEC. 21. Section 9522.1 of the Public Resources Code is repealed.

SEC. 22. Section 9542 of the Public Resources Code is repealed.

SEC. 23. Section 9543 of the Public Resources Code is repealed.

SEC. 24. Section 9544 of the Public Resources Code is amended to read:

9544. The board of supervisors shall submit the proposed partition to the county boundary commission of each county in which any part of the district is located.

SEC. 25. Section 9702 of the Public Resources Code is repealed.

SEC. 26. Section 9703 of the Public Resources Code is repealed.

SEC. 27. Section 9704 of the Public Resources Code is amended to read:

9704. The board of supervisors shall submit the proposal to the county boundary commission of each county in which land to be transferred is located.

SEC. 28. Section 9708 of the Public Resources Code is amended to read:

9708. Within 30 days after receiving the report of the county boundary commission, the board of supervisors shall consider the proposal and advise the proponents thereof in writing of any changes in the proposed boundaries believed to be in the public interest. The recommendations of the board of supervisors or its findings that the proposed boundaries are satisfactory shall be accompanied by a copy of the report from the county boundary commission. A copy of the board of supervisors' determination shall be sent to the county boundary commission and the chief.

CHAPTER 707

An act to amend Sections 72604, 72608, 72640, 72645, 72646, 72647, 72701, 72702, 72702.5, 72703, 72704, 72704.5, 72705, 72709, 72710, 72711, 72712, 72751, 72751.1, 72751.5, 72752, 72753, and 72754 of the Government Code, relating to municipal courts.

[Approved by Governor August 7, 1969. Filed with Secretary of State August 7, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 72604 of the Government Code is amended to read:

72604. Notwithstanding the provisions of Sections 69947 to 69953, inclusive, of the Government Code, or any other provision of law in conflict herewith, in each municipal court in counties having a population of 2,000,000 inhabitants, or over, as determined by the 1950 federal census, except in municipal court districts where a statute provides otherwise, the official reporter and official reporters pro tempore shall receive for their services the same per diem fee paid to official court reporters pro tempore of the Superior Court of Los Angeles County, provided that said fee shall in no event be less than the sum of fifty dollars ($50) per day nor more than sixty dollars ($60) per day. All other fees of such reporters for transcription shall be as provided in Sections 69947 to 69953 of the Government Code.

SEC. 2. Section 72608 of the Government Code is amended to read:

72608. Certain classes of positions prescribed in Articles 2, 3 and 4 of Chapter 9, Title 8 of the Government Code are deemed to be equivalent in job and salary level to position classifications included in the Salary Ordinance of Los Angeles County. In order to maintain parity of compensation and employee benefits between such officers and attachés of municipal courts and county employees having commensurate duties and responsibilities and to provide appropriate salary adjustments and employee benefits for related classes of court positions, the provisions of this section shall govern salary adjustments and employee benefits for officers and attachés of municipal courts in Los Angeles County.

On the effective date of any amendment to said ordinance adjusting the salary of a county employee classification listed in the table of positions set forth in this section, the salary of the equivalent court position listed opposite thereto and each other class of court position indented immediately thereunder shall be adjusted an equivalent number of schedules in the salary schedule to which such position is attached. In no

event shall any one such salary adjustment exceed eight schedule numbers. If the level of compensation established by any such salary adjustment is not reflected in the salary schedule number provided for any court classification, the adjustment shall apply to each position in such classification on the effective date of the act fixing such salary schedule number.

Table of Positions

Court classification	County classification
Officer Series	
Inspector	Inspector
Marshal	
Assistant marshal	
Captain	Captain
Lieutenant	Lieutenant
Sergeant	Sergeant
Deputy marshal	Deputy sheriff
Administrative Series	
Clerk of two-judge district	Division chief, county clerk's office
Clerk (all other judicial districts)	
Chief deputy (all judicial districts)	
All positions subject to civil service provisions enumerated in Article 2, 3 and 4 not listed in this table, except those specified in Section 72704.5.	
Branch Supervisor—Courtroom Series	
Deputy clerk V	Superior court clerk
Deputy clerk IV	
Except equivalency for deputy clerk V is deemed to be two salary schedules above superior court clerk and equivalency for deputy clerk IV is deemd to be two salary schedules below superior court clerk.	

Table of Positions—Continued

Court classification	County classification
Stenographic Series	
Intermediate stenographic secretary	Intermediate stenographic secretary
Judicial secretary	
Administrative secretary, presiding judge	
Stenographic secretary	
Senior stenographic secretary	
Clerical Series	
Deputy clerk II	Intermediate typist-clerk
Deputy clerk I	
Deputy clerk III	
Administrative clerk	
Typist-clerk	
Supply and reproduction supervisor	
Principal clerk	
Head, administrative services, marshal	
Staff assistant, marshal	
Senior staff assistant, marshal	
Supply and reproduction assistant	
Deputy clerk-custody officer	

Salary adjustments made pursuant to this section shall be effective until 90 days after the adjournment of the next succeeding regular session of the Legislature.

Officers and attachés of municipal courts in Los Angeles County shall be entitled to all employee benefits including, but not limited to, paid medical plans, parking and cafeteria privileges, longevity pay, shooting allowance, and uniform and equipment allowance, that are provided for or made applicable to the equivalent Los Angeles County employee classification.

SEC. 3. Section 72640 of the Government Code is amended to read:

72640. There shall be one marshal for all municipal courts established in judicial districts in Los Angeles County, who shall be appointed pursuant to this article and who shall receive the monthly compensation specified in Schedule 79.

SEC. 4. Section 72645 of the Government Code is amended to read:

72645. The marshal shall appoint:

(a) One assistant marshal who shall receive the monthly compensation specified in Schedule 75.

SEC. 5. Section 72646 of the Government Code is amended to read:

72646. The marshal shall appoint:

(a) Three inspectors, each of whom shall receive monthly compensation as provided in Schedule 69.

(b) Eleven captains, each of whom shall receive monthly compensation as provided in Schedule 61.

(c) Twenty-four lieutenants, each of whom shall receive monthly compensation as provided in Schedule 55.

(d) Forty sergeants, each of whom shall receive monthly compensation as provided in Schedule 49.

(e) Four hundred deputies, each of whom shall receive monthly compensation as provided in Schedule 43. Appointments to such positions shall be made from civil service lists resulting from open competitive examinations and shall be at step 2 of said schedule; provided, that notwithstanding the provisions of Section 72649, deputies appointed after October 1, 1965, shall be subject to a 12-month period of probation.

SEC. 6. Section 72647 of the Government Code is amended to read:

72647. The marshal shall appoint:

(a) One senior stenographic secretary, who shall receive monthly compensation as provided in Schedule 44.

(b) Two intermediate stenographic secretaries, each of whom shall receive monthly compensation as provided in Schedule 36.

(c) Four stenographic secretaries, each of whom shall receive monthly compensation as provided in Schedule 30.

(d) One supply and reproduction supervisor who shall receive monthly compensation as provided in Schedule 39.

(e) Sixty deputy clerks, grade III, each of whom shall receive monthly compensation as provided in Schedule 32.

(f) Ninety deputy clerks, grade II, each of whom shall receive monthly compensation as provided in Schedule 26.

(g) Twenty-five deputy clerks, grade I, each of whom shall receive monthly compensation as provided in Schedule 20. Appointments to said positions shall be at step 4 of said schedule.

(h) Ten administrative clerks, each of whom shall receive monthly compensation as provided in Schedule 36.

(i) Such deputies who shall be keepers, as may be reasonably required pursuant to law, at the fee allowed by law for keeping property.

(j) One head, administrative services, marshal, who shall receive monthly compensation as provided in Schedule 54.

(k) Fifty deputy clerk-custody officers, each of whom shall receive monthly compensation as provided in Schedule 36.

(*l*) Two principal clerks, each of whom shall receive monthly compensation as provided in Schedule 38.

(m) One staff assistant, marshal, who shall receive monthly compensation as provided in Schedule 41.

(n) One senior staff assistant, marshal, who shall receive monthly compensation as provided in Schedule 47.

(o) One supply and reproduction assistant who shall receive monthly compensation as provided in Schedule 32.

One occupant of a position listed in this section may be assigned to additional duties as matron and during the period of such assignment shall receive compensation at the step rate of a higher numbered schedule which will increase her basic compensation by two steps.

SEC. 7. Section 72701 of the Government Code is amended to read:

72701. In addition to the number of commissioners prescribed by Section 72706, there shall be one commissioner who shall be appointed by the judges of the court to serve as referee. Said commissioner shall have the same qualifications, duties, and salary as those provided for commissioners in Section 72706.

SEC. 8. Section 72702 of the Government Code is amended to read:

72702. There shall be one clerk who shall be appointed by the judges of the court and who shall receive a monthly salary at a rate specified in Schedule 75 of the salary schedule.

SEC. 9. Section 72702.5 of the Government Code is amended to read:

72702.5. The clerk may appoint one chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 65 of the salary schedule.

SEC. 10. Section 72703 of the Government Code is amended to read:

72703. The clerk may appoint:

(a) One deputy clerk who shall be chief, traffic division, and who shall receive a monthly salary at a rate specified in Schedule 58.

(b) One deputy clerk who shall be chief, civil division, and who shall receive a monthly salary at a rate specified in Schedule 58.

(c) One deputy clerk who shall be chief, criminal division, and who shall receive a monthly salary at a rate specified in Schedule 58.

(d) One deputy clerk who shall be chief, accounting division, and who shall receive a monthly salary at a rate specified in Schedule 56.

(e) Three deputy clerks, assistant division chiefs, each of whom shall receive a monthly salary at a rate specified in Schedule 53.

(f) One deputy clerk who shall be chief, administrative services, and who shall receive a monthly salary at a rate specified in Schedule 58.

(g) One deputy clerk who shall be administrative jury commissioner, and who shall receive a monthly salary at a rate specified in Schedule 54.

(h) One deputy clerk who shall be assistant secretary and jury commissioner, and who shall receive a monthly salary at a rate specified in Schedule 58.

(i) Four deputy clerks, principal clerk, each of whom shall receive a monthly salary at a rate specified in Schedule 49.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule.

SEC. 11. Section 72704 of the Government Code is amended to read:

72704. The clerk may also appoint:

(a) Five deputy clerks grade V, each of whom shall receive a monthly salary at a rate specified in Schedule 50.

(b) Seventy-five deputy clerks grade IV, plus one additional such deputy clerk for each judge in excess of 58 and each commissioner in excess of 12 to which the court is or may become entitled by law, each of whom shall receive a monthly salary at a rate specified in Schedule 46.

(c) One deputy clerk, administrative secretary, presiding judge, who shall receive a monthly salary at a rate specified in Schedule 43. Appointments to said position shall be at step 3 of said schedule.

(d) One deputy clerk, jury interviewer, who shall receive a monthly salary at a rate specified in Schedule 40.

(e) Fifteen deputy clerks, judicial secretary, each of whom shall receive a monthly salary at a rate specified in Schedule 36. Appointments to said positions shall be at step 3 of said schedule.

(f) Fifty-five deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 32.

(g) One hundred thirty deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 26.

(h) One hundred sixty deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 22. Appointments to such positions shall be at step 3 of the schedule.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule.

SEC. 12. Section 72704.5 of the Government Code is amended to read:

72704.5. The clerk may also appoint the following deputy clerks as needed:

(a) One EDP operations supervisor, who shall receive a monthly salary at a rate specified in Schedule 55.

(b) One head key punch operator, who shall receive a monthly salary at a rate specified in Schedule 36.

(c) Three supervising key punch operators, each of whom shall receive a monthly salary at a rate specified in Schedule 32.

(d) Three senior key punch operators, each of whom shall receive a monthly salary at a rate specified in Schedule 29.

(e) Eighty-five key punch operators, each of whom shall receive a monthly salary at a rate specified in Schedule 26.

(f) One EDP senior programmer analyst, who shall receive a monthly salary at a rate specified in Schedule 57.

(g) Six EDP supervising equipment operators, each of whom shall receive a monthly salary at a rate specified in Schedule 47.

(h) Six EDP senior equipment operators, each of whom shall receive a monthly salary at a rate specified in Schedule 41.

(i) Six EDP equipment operators, each of whom shall receive a monthly salary at a rate specified in Schedule 35.

(j) Six EDP trainees, each of whom shall receive a monthly salary at the rate specified at step 4 of Schedule 36.

On the effective date of any amendment to the salary ordinance of Los Angeles County adjusting the salary of any position having the same classification as a court position listed in this section, the salary of such listed court position shall be adjusted an equivalent number of schedules in the salary schedule to which it is attached. If the level of compensation established by any such salary adjustment is not reflected in the salary schedule number provided for any court classification, the adjustment shall apply to each position in such classification on the effective date of the act fixing such salary schedule number. Such salary adjustments shall be effective until 90 days after adjournment of the next succeeding regular session of the Legislature.

SEC. 13. Section 72705 of the Government Code is amended to read:

72705. Whenever reference to a numbered salary schedule is made in any section of this article, the schedule found in the salary ordinance of the County of Los Angeles shall apply.

(a) Any deputy clerk of grade I classification who is regularly required to work on Saturdays and Sundays, or any deputy clerk who is required regularly to work a night shift shall receive a one-step increase in basic compensation. A night shift is a tour of duty which commences after 2 p.m. and prior to 6 a.m.

(b) Not more than 16 deputy clerks grade IV, while assigned to duties in divisions of the court requiring greater skill and responsibility, and, at each branch court of three or more divisions, the deputy clerk grade V in charge and one deputy clerk grade III assigned to supervise not less than 15 deputy clerks shall receive compensation at the rate of the next higher numbered salary schedule which will increase such basic compensation by one step, provided that such branch

court or division in said branch shall not have more than two deputy clerk positions compensated at the next higher schedule at any one time.

(c) Unless otherwise specifically provided, each person appointed to a position set forth in Sections 72702, 72702.5, 72703, 72704, 72704.5 shall, for the first six months of service, receive monthly the rate of compensation specified in the first step of the salary schedule for the position to which he is appointed. Upon the first day of the month following six months' continuous service in a class, the initial rate of compensation of such person shall be increased to the next higher step of the salary schedule for the position occupied. On and after the first day of the month following each ensuing 12 months of such service such compensation shall be increased to the rate specified in the next higher step of the salary schedule for the position occupied until such compensation equals the sum specified in step 5 of such schedule.

(d) When any person in the service of the court is appointed or promoted to another office or position in such service compensated at a higher numbered schedule, he shall receive step 1 of such schedule if step 1 is at least one step higher than the salary received in the office or position relinquished; but if not, he shall receive initially that step of the schedule pertaining to such office or position which will provide a one-step increase in his compensation.

(e) When any person in the service of the court is demoted to another office or position he shall receive compensation at the highest step of the salary schedule applicable to the position to which he is demoted which provides a salary not higher than that previously received by such person, except that if such demotion is due to disciplinary action, the appointing power may specify any step rate of such schedule which provides compensation not higher than that last previously received by such person.

SEC. 14. Section 72709 of the Government Code is amended to read:

72709. Each official reporter in the municipal court appointed pursuant to Section 72194 shall be an attaché of the court. In lieu of any other compensation provided by law for his services in reporting testimony and proceedings in the court, each official reporter shall receive a monthly salary in the same sum as is paid official court reporters of the Superior Court of the County of Los Angeles; provided, that if the amount of said salary is fixed under a step plan of compensation based upon tenure of service, the provisions of Section 72705(c) shall apply in fixing the respective salary step placements for official court reporters of the municipal court and any period of appointment as official court reporters pro tempore of the court shall be included as service under this section. In no event shall the salary of an official municipal

court reporter exceed the highest salary paid to an official court reporter of the Superior Court of Los Angeles County, and in no event shall the salary exceed the rate specified in step 5 of Schedule 61 of the salary schedule. The salaries of official court reporters shall be paid from the reporters' salary fund.

SEC. 15. Section 72710 of the Government Code is amended to read:

72710. The judges of the court may appoint as many additional reporters as the business of the court requires, who shall be known as official reporters pro tempore. They shall serve without salary, but shall receive the fees provided by Sections 69947 to 69953, inclusive, except that in lieu of the per diem fees provided in those sections for reporting testimony and proceedings, the official reporters pro tempore shall in all cases receive the same per diem fee paid official court reporters pro tempore of the Superior Court of Los Angeles County; provided, that said fee shall in no event be less than the sum of fifty dollars ($50) per day nor more than sixty dollars ($60) per day, which upon order of the court shall be paid from the reporters' salary fund.

SEC. 16. Section 72711 of the Government Code is amended to read:

72711. The per diem fees specified in this article, or if not so specified, otherwise payable by law by the parties to proceedings in the court to official reporters or official reporters pro tempore shall be paid to the clerk of the court, who shall deposit them in the reporters' salary fund.

Fees for transcription of testimony and proceedings in the court shall be paid by the parties to official reporters and official reporters pro tempore as otherwise provided by law, and in all cases where by law the court may direct the payment of transcription fees out of the county treasury, such fee upon order of the court, shall be paid from the reporters' salary fund, except fees for transcription of testimony and proceedings in felony cases, which shall be paid from the county treasury.

SEC. 17. Section 72712 of the Government Code is amended to read:

72712. There shall be set aside from the revenue of the court a revolving fund in the amount of ninety-six thousand dollars ($96,000). The fund shall be known as the reporters' salary fund.

At the time of each monthly distribution of the revenue of the court to the cities within the judicial district and to the county within which the court is established, the clerk of the court shall deduct proportionately from their respective total shares such sum as will, when added to the sum then remaining in the fund, equal ninety-six thousand dollars ($96,000), and deposit it in the fund.

Deductions from the county's share of the revenue shall be made from that portion of it distributable to the salary fund of the county, and deductions from each city's share shall be made from that portion of it distributable to the general fund of each city.

For the purposes of this section the "revenue" of the court includes all fines, forfeitures, and fees accruing to the cities or the county, except law library fees.

SEC. 18. Section 72751 of the Government Code is amended to read:

72751. In each municipal court district having six judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 61.

The clerk may appoint:

(a) Ten deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 22. Appointment to said positions shall be at step 3 of said schedule.

(b) Twelve deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 26.

(c) Eight deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 32.

(d) Eight deputy clerks grade IV, plus one additional such deputy clerk for each commissioner appointed pursuant to Section 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 46.

(e) One deputy clerk, judicial secretary, who shall receive a monthly salary at a rate specified in Schedule 36.

(f) One chief clerk—administrative services, who shall receive a monthly salary at a rate specified in Schedule 50.

(g) One jury secretary who shall receive a monthly salary at a rate specified in Schedule 50.

(h) One chief clerk—civil who shall receive a monthly salary at a rate specified in Schedule 50.

(i) One chief clerk—criminal who shall receive a monthly salary at a rate specified in Schedule 50.

(j) One chief clerk—traffic who shall receive a monthly salary at a rate specified in Schedule 50.

(k) One occupant of chief clerk position as set forth in this section shall be designated by the clerk as assistant clerk and shall receive a one-step increase in compensation.

SEC. 19. Section 72751.1 of the Government Code is amended to read:

72751.1. In each municipal court district having five judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 60.

The clerk may appoint:

(a) Seven deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 22. Appointments to said positions shall be at step 3 of said schedule.

(b) Eleven deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 26.

(c) Nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 32.

(d) Seven deputy clerks grade IV, plus one additional such deputy clerk for each commissioner appointed pursuant to Section 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 46.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 51.

SEC. 20. Section 72751.5 of the Government Code is amended to read:

72751.5. In each municipal court district having four judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 60.

The clerk may appoint:

(a) Seven deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 22. Appointments to said positions shall be at step 3 of said schedule.

(b) Eleven deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 26.

(c) Eight deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 32.

(d) Six deputy clerks grade IV, plus one additional such deputy clerk for each commissioner appointed pursuant to Section 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 46.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 51.

SEC. 21. Section 72752 of the Government Code is amended to read:

72752. In each municipal court district having three judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 59.

The clerk may appoint:

(a) Seven deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 22. Appointments to said positions shall be at step 3 of said schedule.

(b) Eleven deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 26.

(c) Seven deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 32.

(d) Five deputy clerks grade IV, plus one additional such deputy clerk for each commissioner appointed pursuant to Section 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 46.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 51.

SEC. 22. Section 72753 of the Government Code is amended to read:

72753. In each municipal court district having two judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 59.

The clerk may appoint:

(a) Six deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 22. Appointments to said positions shall be at step 3 of said schedule.

(b) Eight deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 26.

(c) Six deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 32.

(d) Three deputy clerks grade IV, plus one additional such deputy clerk for each commissioner appointed pursuant to Section 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 46.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 51.

SEC. 23. Section 72754 of the Government Code is amended to read:

72754. In each municipal court district having one judge authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judge of the court, who shall receive a monthly salary at a rate specified in Schedule 57.

The clerk may appoint:

(a) Two deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 22. Appointments to said positions shall be at step 3 of said schedule.

(b) Three deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 26.

(c) Two deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 32.

(d) Two deputy clerks grade IV, plus one additional such deputy clerk for each commissioner appointed pursuant to Section 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 46; provided, however, that one of

such deputy clerks grade IV whose regular duties shall include the supervision of clerical personnel shall, for the duration of such assignment, receive compensation at the rate of the next higher numbered salary schedule which will increase his basic compensation by one step.

CHAPTER 708

An act to amend Sections 71616, 71911, 71937, and 72031 of the Water Code, relating to local water development.

[Approved by Governor August 7, 1969. Filed with Secretary of State August 7, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 71616 of the Water Code is amended to read:

71616. A district, so far as practicable, shall fix such rates for water in the district, and in each improvement district therein, as will result in revenues which will:

(a) Pay the operating expenses of the district and the improvement district.

(b) Provide for repairs and depreciation of works.

(c) Provide a reasonable surplus for improvements, extensions, and enlargements.

(d) Pay the interest on any bonded debt.

(e) Provide a sinking or other fund for the payment of the principal of such bonded debt as it becomes due.

(f) Repay advances, together with interest at a rate not to exceed the interest value of money to the district, made from the district to an improvement district.

SEC. 2. Section 71911 of the Water Code is amended to read:

71911. The board may repay the district for any advance of funds from the proceeds of the sale of bonds authorized for the purposes of the improvement district or as provided in Section 71616. To the extent that advances made for improvements for which such bonds were authorized are repaid from funds other than the proceeds of the sale of bonds of the improvement district, the authority of the board to issue bonds of the improvement district in a like amount or amounts shall terminate. The treasurer shall maintain proper records and accounts in which there shall be set forth all repayments of advances to the extent that advances are made for the improvements for which such bonds were authorized and, to the extent that such repayments reduce the amount of bonds which may be issued on behalf of any improvement district, the net principal amount of authorized but unissued bonds of such improvement district.

SEC. 3. Section 71937 of the Water Code is amended to read:

71937. The board may repay the district for any advance of funds from the proceeds of the sale of bonds authorized for the purposes of the improvement district or as provided in Section 71616. To the extent that advances made for improvements for which such bonds were authorized are repaid from the funds other than the proceeds of the sale of bonds of the improvement district, the authority of the board to issue bonds of the improvement district in a like amount or amounts shall terminate. The treasurer shall maintain proper records and accounts in which there shall be set forth all repayments of advances to the extent that advances are made for the improvements for which such bonds were authorized and, to the extent that such repayments reduce the amount of bonds which may be issued on behalf of any improvement district, the net principal amount of authorized but unissued bonds of such improvement district.

SEC. 4. Section 72031 of the Water Code is amended to read:

72031. The board may provide that the district shall be repaid for any advance of funds, with interest at a rate not to exceed the interest value of money to the district, from the taxes levied exclusively upon the taxable property in the improvement district.

SEC. 5. It is the intent of the Legislature that whenever a water company undertakes improvements within its district it may pay for such improvements with revenues derived from existing rate structures.

CHAPTER 709

An act to amend Sections 7952 and 7953 of the Public Utilities Code, relating to injury to public utility property.

[Approved by Governor August 7, 1969. Filed with Secretary of State August 7, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 7952 of the Public Utilities Code is amended to read:

7952. Any person who injures or destroys, through want of proper care, any necessary or useful facility or equipment of any telegraph, telephone, electrical, or gas corporation, is liable to the corporation for all damages sustained thereby. The measure of damages to the facility or equipment injured or destroyed shall be the cost to repair or replace the property injured or destroyed including direct and allocated costs for labor, materials, supervision, supplies, tools, taxes, transportation, administrative and general expense and other indirect or overhead expenses, less credit, if any, for salvage,

as determined by such telegraph, telephone, electrical or gas corporations in conformity with a system of accounts established by the commission. The specifying of the measure of damages for the facility or equipment shall not preclude the recovery of such other damages occasioned thereby as may be authorized by law.

Any vessel which, by dragging its anchor, or otherwise, breaks, injures or destroys any underwater cable of a telegraph, telephone or electrical corporation or pipeline of a gas corporation, subjects its owner to liability for the damages sustained thereby.

SEC. 2. Section 7953 of the Public Utilities Code is amended to read:

7953. No telegraph, telephone, electrical or gas corporation can recover damages for the breaking, injury or destruction of any underwater cable or gas pipeline, unless the corporation has previously placed a marker on the bank of the waters under which the cable or pipeline is placed, indicating the place where the cable or pipeline lies.

CHAPTER 710

An act to amend Section 6006.3 of the Revenue and Taxation Code, relating to sales and use taxes.

[Approved by Governor August 7, 1969. Filed with Secretary of State August 7, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 6006.3 of the Revenue and Taxation Code is amended to read:

6006.3. "Lease" includes rental, hire and license. "Lease" does not include a use of tangible personal property for a period of less than one day for a charge of less than ten dollars ($10) when the privilege to use the property is restricted to use thereof on the premises or at a business location of the grantor of the privilege.

CHAPTER 711

An act to amend Sections 20754, 20755, 20756, 21059, 21283, 21285, 21286, 21288, 21289, and 21563 of, to add Sections 21291, 21563.5, and 21566 to, and to repeal Sections 21291 and 21566 of, the Agricultural Code, relating to cattle brands and brand inspection fees.

[Approved by Governor August 7, 1969. Filed with Secretary of State August 7, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 20754 of the Agricultural Code is amended to read:

20754. Except as otherwise provided in Section 20755, the owner of a brand shall, on or before January 30th of each year after its recordation, pay to the bureau an annual renewal fee of five dollars ($5) for the right to continue to use the brand.

SEC. 2. Section 20755 of the Agricultural Code is amended to read:

20755. The owner of a recorded brand may, on or before January 30th of any year, pay in advance to the bureau a sum which is a multiple of five dollars ($5). The payment entitles him to use the brand for any number of years, but not to exceed 10 years, at the rate of five dollars ($5) per year from and after January 1st of such year. If such advance payment is made, annual renewals for each of the years within the period for which advance payment has been made are not required.

SEC. 3. Section 20756 of the Agricultural Code is amended to read:

20756. If the right to use a brand is suspended for failure to pay the renewal fee, it may be reinstated within the calendar year in which the suspension occurs upon the payment of a reinstatement fee of ten dollars ($10).

SEC. 4. Section 21059 of the Agricultural Code is amended to read:

21059. Any person that receives cattle from any cattle sale market, either public or private, including public stockyards where sales of cattle are held, may, upon request and upon payment of a fee of fifteen cents ($0.15) per head before accepting delivery of any cattle from such market or stockyard, have a reinspection of brands made.

SEC. 5. Section 21283 of the Agricultural Code is amended to read:

21283. Except as otherwise provided in this article, the fee shall be paid at the point of inspection and is fifteen cents ($0.15) for each animal which is inspected.

SEC. 6. Section 21285 of the Agricultural Code is amended to read:

21285. The fee is fifteen cents ($0.15) for the inspection before sale of each animal at a public salesyard which is posted by the Secretary of Agriculture of the United States or at a public salesyard if the animal originated in another state and it was shipped to this state, consigned to such public stockyard or public salesyard.

SEC. 7. Section 21286 of the Agricultural Code is amended to read:

21286. The fee is fifteen cents ($0.15) for the inspection of each animal which originated in another state and was

shipped to this state for slaughter, if such animal is unloaded in an enclosure which is used exclusively by the slaughterer that is located within one mile of the slaughterhouse and the cattle are driven, not transported, from the enclosure to the slaughterhouse.

SEC. 8. Section 21288 of the Agricultural Code is amended to read:

21288. The fee for the inspection of cattle, other than suckling calves which are accompanying their mothers, is twelve cents ($0 12) if the cattle are transported for purposes other than sale or slaughter and no change of ownership is involved. The fee which is prescribed by this section applies to pasture cattle which are transported out of a point-of-origin area or out of this state.

SEC. 9. Section 21289 of the Agricultural Code is amended to read:

21289. The fee for the inspection of cattle is twenty-two cents ($0.22) for each animal which originated in any county or geographical area where a full point of origin inspection is maintained pursuant to Article 4 (commencing with Section 21141) of this chapter. A fee shall not be charged for any suckling calves which are accompanying their mothers if they are not shipped for sale or slaughter and no change of ownership is involved.

SEC. 10. Section 21291 of the Agricultural Code is repealed.

SEC. 11. Section 21291 is added to the Agricultural Code, to read:

21291. The fees which are provided in Sections 21059, 21283, 21285, 21286, 21288, and 21289 may:

(a) Be raised a total of three cents ($0.03), above the fees specified in such sections by the director upon a finding and recommendation of the Livestock Identification Advisory Board that the current schedule of fees are insufficient to cover the cost of administering and enforcing the provisions of this division by the bureau.

(b) Be lowered by the director upon a finding and recommendation of the Livestock Identification Advisory Board, from time to time, whenever it finds that the costs of administering and enforcing the provisions of this division may be maintained with the lower fees.

SEC. 12. Section 21563 of the Agricultural Code is amended to read:

21563. Except as otherwise provided in this article, the fee shall be paid at the point of inspection and is fifteen cents ($0.15) for each carcass or hide which is inspected.

SEC. 13. Section 21563 5 is added to the Agricultural Code, to read:

21563.5. The fee for the inspection of each carcass or hide shall be twenty-two cents ($0.22) for each carcass and hide originating in those counties or geographical areas where a

point of origin inspection is maintained pursuant to Article 4 (commencing with Section 21141) of Chapter 6 of Division 10.

SEC. 14. Section 21566 of the Agricultural Code is repealed.

SEC. 15. Section 21566 is added to the Agricultural Code, to read:

21566. The fees which are provided in Sections 21563 and 21563.5 may:

(a) Be raised a total of three cents ($0.03), above the fees specified in such sections by the director upon a finding and recommendation of the Livestock Identification Advisory Board that the current schedule of fees are insufficient to cover the cost of administering and enforcing the provisions of this division by the bureau.

(b) Be lowered by the director upon a finding and recommendation of the Livestock Identification Advisory Board, from time to time, whenever it finds that the costs of administering and enforcing the provisions of this division may be maintained with the lower fees.

SEC. 16. The money collected as a result of the increase in fees pursuant to this act for renewing cattle brands, hide and carcass inspection, and the inspecting of cattle brands shall not be available for expenditure until appropriated by the Legislature.

CHAPTER 712

An act to amend Sections 21205, 21224, 21662, 21663, 21664, 21666, and 21668 of, to add Section 21225 to, and to repeal Section 21667 of, the Public Utilities Code, relating to airports.

[Approved by Governor August 7, 1969 Filed with Secretary of State August 7, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 21205 of the Public Utilities Code is amended to read:

21205. The department shall, on or before the fifth legislative day of each regular session of the Legislature, submit through the Secretary of Business and Transportation a report to the Governor and to the Legislature covering the work and investigations of the department and the board during the previous fiscal year,. The report shall also contain a summary of the proceedings of the department and the board during the preceding fiscal year, any other information the department or board deems necessary, and any additional information requested by the Governor or by the Legislature.

SEC. 2. Section 21224 of the Public Utilities Code is amended to read:

21224. The board shall advise the department and the director in the performance of their duties and shall formulate and adopt general policies of the department relating to this part, which shall guide the department and the director in the performance of their duties. Whenever in this part the department is given authority to adopt rules and regulations, that authority shall rest with the board.

SEC. 3. Section 21225 is added to the Public Utilities Code, to read:

21225. Any person or entity injured or aggrieved by any procedure, or action of the department may appeal to the board for relief, and the decision of the board as to such matter shall, after hearing thereof, be conclusive, subject to such administrative adjudication or judicial review as may be otherwise provided by law.

SEC. 4. Section 21662 of the Public Utilities Code is amended to read:

21662. The department shall have the authority to approve airport sites and shall have authority to issue airport permits. No charge shall be made for the issuance of an approval or permit.

SEC. 5. Section 21663 of the Public Utilities Code is amended to read:

21663. It is unlawful for any political subdivision, any of its officers or employees, or any person to operate an airport unless an appropriate airport permit required by rule of the department has been issued by the department and has not subsequently been revoked.

SEC. 6. Section 21664 of the Public Utilities Code is amended to read:

21664. Any political subdivision or person desiring or planning to construct or establish an airport may apply to the department for approval of the site prior to the acquisition of the site or prior to the construction or establishment of the proposed airport. The application shall set forth the location of all highways, railways, mains, pipes, conduits, wires, cables, poles, and other facilities and structures of public service corporations and of persons engaged in radio or television broadcasting located within the area proposed to be acquired or zoned, and the names of the owners of the facilities and structures, and such other information as may be required by the rules and regulations of the department.

SEC. 7. Section 21666 of the Public Utilities Code is amended to read:

21666. The department shall grant approval of an airport site and issue an airport permit if it is satisfied that all of the following requirements have been met:

(a) The site meets or exceeds the minimum airport standards specified by the department in its rules and regulations, provided, however, that the department may modify its minimum airport standards when issuing a permit or site approval

if it determines that the proposed airport, if constructed or established, will conform to minimum standards of safety.

(b) Safe air traffic patterns have been established for the proposed airport and for all existing airports and approved airport sites in its vicinity.

(c) The zone of approach of the airport has been engineered in conformity with the provisions of Section 21403, the documents relating thereto are available for public inspection.

(d) The department when approving an airport site or issuing a permit may impose reasonable conditions which it deems necessary to effectuate the purposes of this article.

Each airport permit or site approval, or amendments thereto, issued by the department shall set forth any conditions imposed thereon, and any modification of the general minimum airport standards prescribed by the department relative to such airport or airport site.

The department may refuse to approve an airport site or issue a permit under this article if it determines after notice and hearing held pursuant to this part that the airport site does not meet the requirements of this section.

SEC. 8. Section 21667 of the Public Utilities Code is repealed.

SEC. 9. Section 21668 of the Public Utilities Code is amended to read:

21668. The department may revoke any airport permit if it determines that any of the following conditions are present:

(a) There has been an abandonment of a site or an airport.

(b) There has been a failure within the time prescribed to develop the site as an airport or to comply with the conditions of the approval as set forth in the permit.

(c) The airport or site no longer conforms to the minimum airport standards prescribed by the department, or no longer complies with the conditions imposed in the airport permit or site approval.

(d) The owner or operator of a permitted airport has failed to comply with any rule or regulation of the department.

(e) The site may no longer be safely used by the general public because of a change in physical or legal conditions either on or off the airport site.

CHAPTER 713

An act to amend Sections 66601, 66603, 66604, 66610, 66622, 66630, 66631, 66632, 66633, and 66635 of, to add Sections 66602, 66602.1, 66605, 66605.1, 66606, 66606.5, 66606.6, 66607, 66611, 66630.1, 66632.2, 66632.3 and 66632.4 to, to repeal Section 66620 of, and to repeal Chapter 5 (commencing with Section 66650) of, and to add Section 66620 and Chapter 5 (commencing with Section 66650) to, Title 7.2 of,

the Government Code, relating to San Francisco Bay Conservation and Development Commission.

[Approved by Governor August 7, 1969. Filed with Secretary of State August 7, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 66601 of the Government Code is amended to read:

66601. The Legislature further finds and declares that uncoordinated, haphazard filling in San Francisco Bay threatens the bay itself and is therefore inimical to the welfare of both present and future residents of the area surrounding the bay; that while some individual fill projects may be necessary and desirable for the needs of the entire bay region, and while some cities and counties may have prepared detailed master plans for their own bay lands, a governmental mechanism must exist for evaluating individual projects as to their effect on the entire bay; and that further piecemeal filling of the bay may place serious restrictions on navigation in the bay, may destroy the irreplaceable feeding and breeding grounds of fish and wildlife in the bay, may adversely affect the quality of bay waters and even the quality of air in the bay area, and would therefore be harmful to the needs of the present and future population of the bay region.

SEC. 1.5. Section 66602 is added to the Government Code, to read:

66602. The Legislature further finds and declares that certain water-oriented land uses along the bay shoreline are essential to the public welfare of the bay area, and that such uses include ports, water-related industries, airports, wildlife refuges, water-oriented recreation and public assembly, desalinization plants and powerplants requiring large amounts of water for cooling purposes; that the San Francisco Bay Plan should make provision for adequate and suitable locations for all such uses thereby minimizing the necessity for future bay fill to create new sites for such uses; that existing public assess to the shoreline and waters of the San Francisco Bay is inadequate and that maximum feasible public access, consistent with a proposed project, should be provided.

SEC. 1.6. Section 66602.1 is added to the Government Code, to read:

66602.1. The Legislature further finds and declares that areas diked off from the bay and used as saltponds and managed wetlands are important to the bay area in that, among other things, such areas provide a wildlife habitat and a large water surface which, together with the surface of the bay, moderate the climate of the bay area and alleviate air pollution; that it is in the public interest to encourage continued maintenance and operation of the salt ponds and managed wetlands; that, if development is proposed for these areas, dedica-

tion or public purchase of some of these lands should be encouraged in order to preserve water areas; that, if any such areas are authorized to be developed and used for other purposes, the development should provide the maximum public access to the bay consistent with the proposed project and should retain the maximum amount of water surface area consistent with the proposed project.

SEC. 2. Section 66603 of the Government Code is amended to read:

66603. The Legislature further finds and declares that the San Francisco Bay Conservation and Development Commission, treating the entire bay as a unit, has made a detailed study of all the characteristics of the bay, including: the quality, quantity, and movement of bay waters, the ecological balance of the bay, the economic interests in the bay, including the needs of the bay area population for industry and for employment, the requirements of industries that would not pollute the bay nor interfere with its use for recreation or other purposes, but would need sites near deepwater channels; that the study has examined all present and proposed uses of the bay and its shoreline, and the master plans of cities and counties around the bay; and that on the basis of the study the commission has prepared a comprehensive and enforceable plan for the conservation of the water of the bay and the development of its shoreline, entitled the San Francisco Bay Plan.

SEC. 3. 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, extracting materials or making any substantial change in use of any water, land or structure within the area of the commission's jurisdiction.

SEC. 3.5. Section 66605 is added to the Government Code, to read:

66605. The Legislature further finds and declares:

(a) That further filling of San Francisco Bay should be authorized only when public benefits from fill clearly exceed public detriment from the loss of the water areas and should be limited to water-oriented uses (such as ports, water-related industry, airports, bridges, wildlife refuges, water-oriented recreation and public assembly, water intake and discharge lines for desalinization plants and power generating plants requiring large amounts of water for cooling purposes) or minor fill for improving shoreline appearance or public access to the bay;

(b) That fill in the bay for any purpose, should be authorized only when no alternative upland location is available for such purpose;

(c) That the water area authorized to be filled should be the minimum necessary to achieve the purpose of the fill;

(d) That the nature, location and extent of any fill should be such that it will minimize harmful effects to the bay area, such as, the reduction or impairment of the volume surface area or circulation of water, water quality, fertility of marshes or fish or wildlife resources;

(e) That public health, safety and welfare require that fill be constructed in accordance with sound safety standards which will afford reasonable protection to persons and property against the hazards of unstable geologic or soil conditions or of flood or storm waters;

(f) That fill should be authorized when the filling would, to the maximum extent feasible, establish a permanent shoreline;

(g) That fill should be authorized when the applicant has such valid title to the properties in question that he may fill them in the manner and for the uses to be approved.

SEC. 4. Section 66605.1 is added to the Government Code, to read:

66605.1. The Legislature finds that in order to make San Francisco Bay more accessible for the use and enjoyment of people, the bay shoreline should be improved, developed and preserved. The Legislature further recognizes that private investment in shoreline development should be vigorously encouraged and may be one of the principal means of achieving bay shoreline development, minimizing the resort to taxpayer funds; therefore, the Legislature declares that the commission should encourage both public and private development of the bay shoreline.

SEC. 4.1. Section 66606 is added to the Government Code, to read:

66606. The Legislature hereby finds and declares that this title is not intended, and shall not be construed, as authorizing the commission to exercise its power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefor. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.

SEC. 4.2. Section 66606.5 is added to the Government Code, to read.

66606.5. The Legislature finds and declares that the San Francisco Bay Plan indicates that extensive areas in and around the bay are owned or held under claim of ownership by private persons and that the acquisition for public use of all or large portions of such areas or the establishment of wildlife refuges therein may require a substantial public investment. The Legislature further finds and declares that the commission should make a continuing review and prepare and submit periodic reports on the nature, extent, estimated cost

and method of financing of any proposed acquisitions of private property for public use.

SEC. 4.3. Section 66606.6 is added to the Government Code, to read:

66606.6. Nothing in this title shall deny the right of private property owners and local governments to establish agricultural preserves and enter into contracts pursuant to the provisions of the California Land Conservation Act of 1965.

The commission, within six months after the effective date of this section, shall institute an affirmative action program to encourage local governments to enter into contracts under the California Land Conservation Act of 1965 with owners of property to which the provisions of that act may be applicable.

SEC. 4.4. Section 66607 is added to the Government Code, to read:

66607. If any provision of this title or the application thereof in any circumstance or to any person or public agency is held invalid, the remainder of this title or the application thereof in other circumstances or to other persons or public agencies shall not be affected thereby.

SEC. 5. Section 66610 of the Government Code is amended to read:

66610. For the purposes of this title, the area of jurisdiction of the San Francisco Bay Conservation and Development Commission includes:

(a) San Francisco Bay, being all areas that are subject to tidal action from the south end of the bay to the Golden Gate (Point Bonita-Point Lobos) and to the Sacramento River line (a line between Stake Point and Simmons Point, extended northeasterly to the mouth of Marshall Cut), including all sloughs, and specifically, the marshlands lying between mean high tide and five feet above mean sea level; tidelands (land lying between mean high tide and mean low tide); and submerged lands (land lying below mean low tide).

(b) A shoreline band consisting of all territory located between the shoreline of San Francisco Bay as defined in subdivision (a) of this section and a line 100 feet landward of and parallel with that line, but excluding any portions of such territory which are included in subdivisions (a), (c) and (d) of this section; provided that the commission may, by resolution, exclude from its area of jurisdiction any area within the shoreline band that it finds and declares is of no regional importance to the bay.

(c) Saltponds consisting of all areas which have been diked off from the bay and have been used during the three years immediately preceding the effective date of the amendment of this section during the 1969 Regular Session of the Legislature for the solar evaporation of bay water in the course of salt production.

(d) Managed wetlands consisting of all areas which have been diked off from the bay and have been maintained dur-

ing the three years immediately preceding the effective date of the amendment of this section during the 1969 Regular Session of the Legislature as a duck hunting preserve, game refuge or for agriculture.

The definition which is made by this section is merely for the purpose of prescribing the area of jurisdiction of the commission which is created by this title. This definition shall not be construed to affect title to any land or to prescribe the boundaries of the San Francisco Bay for any purpose except the authority of the commission created by this title.

SEC. 5.1. Section 66611 is added to the Government Code, to read:

66611. No later than one year after the effective date of this section the commission, after public hearing, of which adequate descriptive notice is given, shall adopt and file with the Governor and the Legislature a resolution fixing and establishing within the shoreline band the boundaries of the water-oriented priority land uses, as referred to in Section 66602 After such filing no further changes shall be made in such boundaries, except with the approval of the Legislature.

SEC. 5.1. Section 66620 of the Government Code is repealed.

SEC. 5.2. Section 66620 is added to the Government Code, to read:

66620. The San Francisco Bay Conservation and Development Commission is hereby created. The commission shall consist of 27 members appointed as follows:

(a) One member by the Division Engineer, United States Army Engineers, South Pacific Division, from his staff.

(b) One member by the United States Secretary of Health, Education and Welfare, from his staff.

(c) One member by the Secretary of Business and Transportation, from his staff.

(d) One member by the Director of Finance, from his staff.

(e) One member by the Secretary of Resources, from his staff.

(f) One member by the State Lands Commission, from its staff.

(g) One member by the San Francisco Bay Regional Water Quality Control Board, who shall be a member of such board.

(h) Nine county representatives consisting of one member of the board of supervisors representative of each of the nine San Francisco Bay area counties, appointed by the board of supervisors in each county Each county representative must be a supervisor representing a supervisorial district which includes within its boundaries lands lying within San Francisco Bay.

(i) Four city representatives appointed by the Association of Bay Area Governments from among the residents of the bayside cities in each of the following areas:

(1) North Bay—Marin County, Sonoma, Napa, and Solano;

(2) East Bay—Contra Costa County (west of Pittsburg) and Alameda County north of the southern boundary of Hayward;

(3) South Bay—Alameda County south of the southern boundary of Hayward, Santa Clara County and San Mateo County south of the northern boundary of Redwood City;

(4) West Bay—San Mateo County north of the northern boundary of Redwood City, and the City and County of San Francisco.

Each city representative must be an elected city official.

(j) Seven representatives of the public, who shall be residents of the San Francisco Bay area and whose appointments shall be subject to confirmation by the Senate. Five of such representatives shall be appointed by the Governor. One by the Committee on Rules of the Senate and one by the Speaker of the Assembly.

SEC. 6. Section 66622 of the Government Code is amended to read:

66622. The members of the commission shall serve at the pleasure of their respective appointing powers. The members shall serve without compensation, but each of the members shall be reimbursed for his necessary expenses incurred in the performance of his duties.

SEC. 7. Section 66630 of the Government Code is amended to read:

66630. The commission shall make a continuing review of all the matters referred to in Section 66603, 66606.5 and Section 66651.

SEC. 7.1. Section 66630.1 is added to the Government Code, to read:

66630.1. The continuing review, among other things, shall include studies concerning properties within the area of the commission's jurisdiction which, in the opinion of the commission, might be acquired by public agencies for public use. Based on such studies the commission shall annually prepare a report setting forth the general location of such properties, the interest or interests proposed to be acquired therein, the public uses recommended therefor, the public agencies recommended to make the proposed acquisitions, the estimated cost of the proposed acquisitions and recommendations for financing such cost. Each annual report shall cover proposed acquisitions during a three-year period commencing January 1 after the date of the report and shall indicate any material changes made with respect to the report for the previous year. Not later than the fifth legislative day of each regular session of the Legislature, commencing with the 1971 Regular Session, the commission shall file such report with the Governor and Legislature.

SEC. 8. Section 66631 of the Government Code is amended to read:

66631. In making the review, the commission shall cooperate to the fullest extent possible with the Association of Bay Area Governments; and shall, to the fullest extent possible, coordinate its planning with planning by local agencies, which shall retain the responsibility for local land use planning. In order to avoid duplication of work, the commission shall make maximum use of data and information available from the planning programs of the State Office of Planning, the Association of Bay Area Governments, the cities and counties in the San Francisco Bay area, and other public and private planning agencies.

SEC. 9. 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, to extract materials, or to make any substantial change in use of any water, land or structure, within the area of the commission's jurisdiction shall secure a permit from the commission and, if required by law or by ordinance, from any city or county within which any part of such work is to be performed. For purposes of this title, "fill" means earth or any other substance or material, including pilings or structures placed on pilings, and structures floating at some or all times and moored for extended periods, such as houseboats and floating docks. For the purposes of this section "materials" means items exceeding twenty dollars ($20) in value.

The commission may require a reasonable filing fee and reimbursement of expenses for processing and investigating a permit application.

(b) Whenever a permit is required by a city or county for any activity also requiring a permit from the San Francisco Bay Conservation and Development Commission, 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. Upon filing such an application, the applicant shall notify the commission of the fact of the filing and the date thereof. 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, no application for a permit need be made to the city or county.

(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, and 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 prescribe the form and contents of applications for permits. Among other things, an application for a permit shall set forth all public improvements and public utility facilities which are necessary or incidental to the proposed project and the names and mailing addresses of all public agencies or public utilities who will have ownership or control of such public improvements or public utility facilities if the permit is granted and the project is constructed. The executive director shall give written notice of the filing of the application to all such public agencies and public utilities. If the commission grants a permit for a project, the permit shall include all public improvements and public utility facilities which are necessary or incidental to the project.

(e) Upon receipt of an application for a permit the commission shall transmit a copy thereof to the San Francisco Bay Regional Water Quality Control Board. Within 60 days the board shall file a report with the commission indicating the effect of the proposed project on water quality within the bay.

(f) The commission shall take action upon an application for a permit, either denying or granting the permit, within 90 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 90 days after the expiration of such 90-day period), or within 90 days after it receives an application from the applicant, whichever date is later. 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 shall be granted for a project if the commission finds and declares that 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 be consistent with the provisions of this title and with the provisions of the San Francisco Bay Plan then in effect. To effectuate such purposes, the commission may grant a permit subject to reasonable terms and conditions including the uses of land or structures, intensity of uses, construction methods and methods for dredging or placing of fill. 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.

Pursuant to this title, the commission may provide by regulation, adopted after public hearing, for the issuance of permits by the executive director, without compliance with the above procedure, in cases of emergency, or for minor repairs to existing installations or minor improvements made anywhere within the area of jurisdiction of the commission in-

cluding, without limitation, the installation of piers and pilings and maintenance dredging of navigation channels. The commission may also adopt after public hearing such additional regulations as it deems reasonable and necessary to enable it to carry out its functions efficiently and equitably, including regulations classifying the particular water-oriented uses referred to in Sections 66602 and 66605.

(g) 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.

(h) Any project authorized pursuant to this section shall be commenced, performed and completed in compliance with the provisions of all permits granted or issued by the commission and by any city or county.

(i) If, prior to September 17, 1965, 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.

(j) Any action, or proceeding to contest or question the commission's denial of a permit application, or conditions attached to approval of a permit application, must be commenced in the appropriate court within 90 days following the date of such action by the commission.

(k) The executive director shall, within 90 days following the effective date of this section, communicate the provisions of this section to all governmental bodies that issue permits for developments described in this section, and shall request of them information concerning any development that may fall within the provisions of this section.

SEC. 9.5. Section 66632.2 is added to the Government Code, to read:

66632.2. (a) The owner or operator of any public service facilities need not obtain a permit from the commission for the construction within or upon any public highway or street of any public service facilities to provide service to persons or property located within the area of the commission's jurisdiction. The public service facilities referred to in this subdivision shall be limited to those which are necessary for and are customarily used to provide direct and immediate service to the persons or property requiring such service.

(b) The owner or operator of public service facilities or a public street or road located anywhere within the area of the commission's jurisdiction may, without first obtaining a permit from the commission, make emergency repairs to such facilities as may be necessary to maintain service, provided, that the emergency is such as to require repairs before an emergency permit can be obtained under the provisions of subdivision (f) of Section 66632 and, provided further, that

notification is given to the commission no later than the first working day following such undertaking.

(c) "Public service facilities," as used in this section, means any facilities used or intended to be used to provide water, gas, electric or communications service and any pipelines, and appurtenant facilities, for the collection or transmission of sewage, flood or storm waters, petroleum, gas or any liquid or other substance.

SEC. 9.6. Section 66632.3 is added to the Government Code, to read:

66632.3. If the most recent report made and filed pursuant to Section 66630.1 recommends that designated property be acquired for public use and all such property has not been so acquired within a period of three years, commencing with January 1 after the date of the report first recommending such acquisition, at any time after the expiration of said period the owners of all or any part of the property not previously acquired may file an application with the commission for the development of such property. Upon the filing of any such application, the commission shall grant or deny a permit in accordance with the provisions of this title and the San Francisco Bay Plan, then in effect, provided that a permit shall not be denied on the grounds that such property has been recommended to be acquired for public use.

SEC. 9.7. Section 66632.4 is added to the Government Code, to read:

66632.4. Within any portion or portions of the shoreline band which shall be located outside the boundaries of water-oriented priority land uses, as fixed and established pursuant to Section 66611, the commission may deny an application for a permit for a proposed project only on the grounds that the project fails to provide maximum feasible public access, consistent with the proposed project, to the bay and its shoreline.

SEC. 10. Section 66633 of the Government Code is amended to read:

66633. The commission may:

(a) Accept grants, contributions, and appropriations from any public agency, private foundation, or individual.

(b) Appoint committees from its membership and appoint advisory committees from other interested public and private groups.

(c) Contract for or employ any professional services required by the commission or for the performance of work and services which in its opinion cannot satisfactorily be performed by its officers and employees or by other federal, state, or local governmental agencies.

(d) Sue and be sued in all actions and proceedings and in all courts and tribunals of competent jurisdiction, including prohibitory and mandatory injunctions to restrain violations of this title.

(e) Do any and all other things necessary to carry out the purposes of this title.

SEC. 12. Section 66635 of the Government Code is amended to read:

66635. The commission shall appoint an executive director who shall have charge of administering the affairs of the commission, subject to the direction and policies of the commission. The executive director shall, subject to approval of the commission, appoint such employees as may be necessary in order to carry out the functions of the commission.

SEC. 13. Chapter 5 (commencing with Section 66650) of Title 7.2 of the Government Code is repealed.

SEC. 14. Chapter 5 (commencing with Section 66650) is added to Title 7.2 of the Government Code, to read:

CHAPTER 5. THE SAN FRANCISCO BAY PLAN AND FURTHER REPORTS OF THE COMMISSION

66650. This title shall be known and may be cited as the McAteer-Petris Act.

66651. Pursuant to this title the commission has adopted and submitted to the Governor and the Legislature the San Francisco Bay Plan, a comprehensive plan containing statements and maps concerning:

(a) The objectives of the plan;

(b) The bay, as a resource, including findings and recommended policies upon: fish and wildlife; water pollution; smog and weather; water surface, area and volume; marshes and mudflats; fresh water inflow; dredging; and shell deposits;

(c) The development of the bay and shoreline, including findings and recommended policies upon: economic and population growth; safety of fills; water-related industries; ports; airports; recreation; saltponds and other managed wetlands; transportation; other uses of the bay and shoreline; refuse disposal sites; public access; appearance and design; and scenic views.

This plan shall constitute an interim plan for the commission (i) until otherwise ordered by the Legislature, or, (ii) until amended by the commission as provided in Section 66652.

66652. The commission at any time may amend, or repeal and adopt a new form of, all or any part of the San Francisco Bay Plan but such changes shall be consistent with the findings and declarations of policy contained in this title.

Such changes shall be made by resolution of the commission adopted after public hearing on the proposed change, of which adequate descriptive notice shall be given. If the proposed change pertains to a policy or standard contained in the San Francisco Bay Plan, or defines a water-oriented use referred to in Section 66602 or 66605, the resolution adopting the change shall not be voted upon less than 90 days following notice of hearing on the proposed change and shall require the affirmative vote of two-thirds of the commission members. If the proposed change pertains only to a map or diagram contained in the San Francisco Bay Plan, the resolution adopt-

ing the change shall not be voted on less than 30 days following notice of hearing on the proposed change and shall require the affirmative vote of the majority of the commission members.

66653. If a function or activity is within the area of the commission's jurisdiction and requires the securing of a permit, the commission shall exercise its power to grant or deny a permit in conformity with the provisions of this title and with any provisions of the plan pertaining to placing of fill, extraction of materials, construction methods and use or change of use of water areas, land or structures. If a function or activity is outside the area of the commission's jurisdiction or does not require the issuance of a permit, any provisions of the plan pertaining thereto are advisory only.

66654. Within the area of the commission's jurisdiction under subdivisions (b), (c) and (d) of Section 66610, any uses which are in existence on the effective date of this section may be continued, provided, that no substantial change shall be made in such uses except in accordance with this title.

Any owner of property devoted to an existing use or uses may file an application with the commission to determine the nature of such existing use or uses, the extent of territory then devoted to such use or uses, and such additional territory adjacent thereto as may be expected to be reasonably necessary for the expansion of such use or uses during a period of not to exceed 15 years from the date of filing such application. Not later than 90 days after such filing, the commission after public hearing shall adopt a resolution making such determination. After the adoption of such resolution no permit need be obtained from the commission for any of the existing use or uses specified in the resolution or for the expansion thereof within the territory described in said resolution.

66655. If, prior to September 1, 1969, any city or county has adopted an ordinance or issued a permit authorizing a particular use or uses within the areas defined in subdivisions (b), (c) and (d) of Section 66610, no person who has obtained a vested right thereunder shall be required to secure a permit from the commission, providing, that no substantial changes may be made in any such use or uses, except in accordance with this title. Any such person shall be deemed to have such vested rights if, prior to September 1, 1969, he has in good faith and in reliance upon the ordinance or permit commenced and performed substantial work on the use or uses authorized and incurred substantial liabilities for work and materials necessary therefor. Expenses incurred in obtaining the enactment of an ordinance or the issuance of a permit shall not be deemed liabilities for work or material.

66656. Nothing in this title shall apply to any project where necessary local governmental approval and a Department of the Army Corps of Engineers permit have been obtained to allow commencement of the diking or filling process, and where such diking or filling process has commenced prior

to September 17, 1965, nor to the continuation of dredging under existing Department of the Army Corps of Engineers permits and any renewals and extensions of such dredging permits.

"Project" shall include the execution or undertaking or assumption of any contractual commitments entered into prior to September 17, 1965; if prior to July 9, 1969, the city or county has adopted a long-range general plan in accordance with its charter, or Sections 65300 to 65306 and specific plans in accordance with Sections 65450 and 65451 and the land uses comply with the general objectives or guidelines of the San Francisco Bay Plan.

66657. In eminent domain or inverse condemnation proceedings for any property within the area of the commission's jurisdiction, in determining "just compensation," as used in Section 14 of Article I of the California Constitution, or "value," "damage," or "benefits," as used in Section 1248 of the Code of Civil Procedure, the influence of the San Francisco Bay Plan, in effect at the time of the taking or damaging of the property, upon the value of the property or the interest being valued shall be inadmissible as evidence and not a proper basis for an opinion as to the value of the property.

66658. Until the termination of the existence of the commission, it shall have all powers and duties prescribed by Chapters 1 (commencing with Section 66600) to 4 (commencing with Section 66630), inclusive, of this title including, without limitation, the power to continue or make further studies authorized thereby.

66659. The commission shall continue in existence until such time as the Legislature provides for the termination of the existence of the commission or for the transfer of the commission's functions and duties to some other permanent agency.

66660. The commission shall make a supplemental report, or reports, containing all of the following:

(a) The results of any continued or further studies made by the commission;

(b) Such other information and recommendations as the commission deems desirable.

66660.1. Notwithstanding any provision of this title to the contrary, the jurisdiction of the commission, except for the control of fill or extraction of materials shall not include the shoreline within a city limit upon which any person or entity has commenced and performed substantial work for the purpose of establishing a planned community development on land already filled and requiring no additional fill or extraction, and for which the planning commission approval of the city council has been obtained prior to July 1, 1969.

66661. The commission shall annually file a supplemental report with the Governor and the Legislature by the fifth legislative day of each regular session of the Legislature commencing not later than the 1971 Regular Session.

CHAPTER 714

An act to amend Section 432 of the Labor Code, relating to employment applications.

[Approved by Governor August 8, 1969. Filed with Secretary of State August 8, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 432 of the Labor Code is amended to read:

432. If an employee or applicant signs any instrument relating to the obtaining or holding of employment, he shall be given a copy of the instrument upon request.

CHAPTER 715

An act to amend Section 13187.1 of the Education Code, relating to credentials for service in the public schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 8, 1969. Filed with Secretary of State August 8, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 13187.1 of the Education Code is amended to read:

13187.1. (a) A credential which was issued prior to January 1, 1964, shall remain in force as long as it is valid and continues to be valid under the law and regulations of the State Board of Education. The State Board of Education may not by regulation invalidate such valid credential unless it issues to the holder thereof, in substitution, a new credential authorized by other sections of this article of an equivalent type and which new credential is no less restrictive than the credential for which it is substituted with respect to the kind of service which it authorizes, and the grades or classes of types of schools in which it authorizes service.

(b) Subject to the provisions of Section 13172, credentials issued prior to January 1, 1964, and credentials issued under subdivision (c) of this section may be renewed in accordance with regulations of the State Board of Education in effect on December 31, 1963.

(c) The State Board of Education shall issue the appropriate credentials authorized by the law operative, and the rules and regulations of the State Board of Education in effect, on December 31, 1963, to any person who, on November 1, 1963, has completed two years of college and on November 1, 1963, was either enrolled in a teacher education curriculum

at any institution of higher learning approved by the California State Board of Education, or was engaged in teaching in a foreign country, after such person has completed the requirements for such credential and if the person is otherwise qualified for such credential under the law and rules and regulations. No person shall be denied the issuance of a prior regular credential if he holds a provisional credential authorized by Sections 13117, 13118, and 13119, and on November 1, 1963, is working toward meeting the requirements of that prior regular credential in accordance with State Board of Education regulations; nor shall any person who, on November 1, 1963, is working toward meeting the requirements of a prior regular credential and on that date is enrolled in a teacher education program, be denied the issuance of a prior credential if because of active military service since September 15, 1961, he was prevented from meeting the educational requirements of a prior regular credential.

(d) The State Board of Education shall issue the appropriate credential authorizing service in an administrative or supervisory position requiring certification qualifications authorized by the law operative, and the rules and regulations of the State Board of Education in effect, on December 31, 1963, to any person who, on that date, had completed all requirements for the credential and was otherwise qualified to receive the same under such laws, rules and regulations, and who has not previously been issued such credential. A credential so issued shall be subject to the provisions of subdivision (a) of this section, as though issued prior to January 1, 1964.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the schools of this state may maintain a high standard of educational services by taking advantage of the provisions of this act in the recruitment of teachers for the 1969–1970 school year, it is necessary that this act become effective immediately.

CHAPTER 716

An act to add Section 11483 to the Education Code, relating to junior colleges.

[Approved by Governor August 8, 1969. Filed with Secretary of State August 8, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 11483 is added to the Education Code, to read:

11483. If 50 percent or more of the enrollment in a police training course at a junior college consists of students who are residents of junior college districts other than the district offering the course, all such students enrolled shall be deemed to be resident students of the district for the purposes of this article.

SEC. 2. This act shall be deemed operative for the entire 1969–1970 fiscal year as though the same had been enacted into law and become operative on July 1, 1969. 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.

CHAPTER 717

An act to amend Section 305 of the Public Utilities Code, relating to the Public Utilities Commission.

[Approved by Governor August 8, 1969. Filed with Secretary of State August 8, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 305 of the Public Utilities Code is amended to read:

305. The commissioners shall elect one of their number president of the commission. The president shall be the executive and administrative head of the commission. He shall preside at all meetings and sessions of the commission and shall organize, coordinate, supervise and direct the operations and affairs of the commission in such a manner as to prevent delay and promote the expeditious and efficient disposition of all matters within the commission's jurisdiction.

CHAPTER 718

An act to amend Section 4905 of the Business and Professions Code, relating to the Board of Examiners in Veterinary Medicine, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 8, 1969. Filed with Secretary of State August 8, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 4905 of the Business and Professions Code is amended to read:

4905. The following fees shall be collected by the board and the same shall be credited to the Board of Examiners in Veterinary Medicine Contingent Fund:

(a) The fee for filing an application for examination shall be fixed by the board in such amount as it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, but not to exceed fifty dollars ($50).

(b) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued, except that, if the license is issued less than one year before the date on which it will expire, then the fee is an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the license is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.

(c) The renewal fee shall be fixed by the board for each biennial renewal period in such amount as it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, but not to exceed sixty-five dollars ($65).

(d) The delinquency fee is eight dollars ($8).

(e) The fee for issuance of a duplicate license is five dollars ($5).

(f) The board may make a charge for records, transcripts, and other official documents pertaining to the affairs of the board.

(g) The fee for failure to report a change in the place of practice is ten dollars ($10).

(h) The fee for registration of veterinary premises is ten dollars ($10), but the board may reduce the fee to such amount as it determines is reasonably necessary to provide sufficient funds to carry out the purposes of this chapter.

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 Board of Examiners in Veterinary Medicine is supported entirely from license revenues. The board's expenditures are exceeding its revenues at the present time, and its surplus is no longer sufficient to meet this operating deficit. This act provides for the increased revenues necessary to maintain the board in a self-supporting condition. In order that such revenues may commence to accrue to the board during the next license renewal period, which occurs in August of the current year, it is necessary that this act go into immediate effect.

CHAPTER 719

An act to amend Section 6580.1 of the Health and Safety Code, relating to elections in sanitary districts.

[Approved by Governor August 8, 1969 Filed with Secretary of State August 8, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 6580.1 of the Health and Safety Code is amended to read:

6580.1. The election of officers may be consolidated with the direct primary election if the board of directors passes a resolution to that effect on or before the first day of August of the preceding odd-numbered year and states in the resolution those offices of director to be filled at the first consolidated election. The offices which may be filled at the first consolidated election in those districts whose general district elections are held pursuant to the Uniform District Election Law are those offices which would have expired on the last Friday of December of the year preceding the direct primary election and in all other districts are those offices which would have expired in the year of the consolidated election or in the year next following. Upon a determination to consolidate pursuant to this section, the affected officers shall hold office until the first meeting of the board following the entry of the statement of the result of the consolidated election on the records of the board of supervisors or until the end of the terms for which they were elected, whichever is shorter. In the event this consolidation procedure is used then all other elective offices shall expire and be filled in the same manner at the next succeeding consolidated election. Any vacant office resulting from the operation of this provision shall be filled by appointment by the board.

If the election of directors is consolidated, and if there is to be but one person to be elected to the office, the candidate receiving the highest number of votes cast for the candidates for that office shall be declared elected. If there are two or more persons to be elected to the office, those candidates equal in number to the number to be elected who receive the highest number of votes for the office shall be declared elected. If a tie vote makes it impossible to determine which of two or more candidates has been elected, the governing board shall forthwith notify the candidates who have received the tie votes to appear before it either personally or by representative at a time and place designated by the governing body. The governing body shall at that time and place determine the tie by lot and the results thereof shall be declared by the governing body. The candidate so chosen shall qualify, take office and

serve as though elected at the preceding general district election.

For such consolidated elections candidates shall declare their candidacy and shall be nominated, election returns shall be canvassed, the election shall be held and conducted, the results shall be declared, and the certificates of election shall be issued, in the same manner as the declaration of candidacy, nomination, election, canvassing of returns, declaration of results, and issuance of certificates of election for county officers are made, declared, held, and conducted, and issued, so far as consistent with the provisions of this section. Directors elected under the procedure provided in this section, except the first board of directors, shall take office at the first meeting of the board following the entry of the statement of the result of the consolidated election on the records of the board of supervisors. Elections held under this section at the time of the direct primary election and consolidated therewith shall be known as the general district election and each other election in a district holding elections under this section which may be held by authority of this law or the Elections Code or other law applicable thereto shall be known as a special district election.

The provisions of Chapter 4 (commencing with Section 23300) of Division 12 of Part 2 of, and Section 23520 of the Elections Code shall apply to every consolidation under this section.

CHAPTER 720

An act making an appropriation for the support of the Automobile Accident Study Commission for the 1969–1970 fiscal year.

[Approved by Governor August 8, 1969. Filed with Secretary of State August 8, 1969.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated out of the Motor Vehicle Fund in the State Treasury the sum of sixty-five thousand dollars ($65,000) to the Automobile Accident Study Commission in augmentation of Section 6 of Chapter 1256 of the Statutes of 1967 for the expenses of the commission for the 1969–1970 fiscal year.

SEC. 2. This act makes an appropriation for the usual current expenses of the state within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 721

An act to amend Sections 6 and 7 of Chapter 1378 of the Statutes of 1965, relating to the Advisory Commission on the Status of Women, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 8, 1969. Filed with Secretary of State August 8, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 6 of Chapter 1378 of the Statutes of 1965 is amended to read:

Sec. 6. The commission shall study the following:

(a) Public and private employment practices relative to women, including, but not limited to, wages, hours of work, leaves of absence and working conditions.

(b) State laws concerning hours, working conditions, benefits, and the like.

(c) State laws in regard to the civil and political rights of women, including pensions, tax requirements, property rights, marriage and divorce provisions, and similar matters.

(d) Educational needs and educational opportunities, particularly in connection with the needs of the mature woman.

(e) The effect of social attitudes and pressures and economic considerations in shaping the roles to be assumed by women in the society.

A prime function of the commission shall be to encourage women's organizations and other groups to institute local self-help activities designed to meet women's educational, employment, and related needs. The commission shall report its findings and recommendations to the Legislature not later than the fifth legislative day of the 1971 Regular Session.

SEC. 2. Section 7 of Chapter 1378 of the Statutes of 1965 is amended to read:

Sec. 7. This act shall be operative only until June 30, 1971.

SEC. 3. The sum of forty-four thousand two hundred ten dollars ($44,210) is hereby appropriated from the General Fund in the State Treasury to the Advisory Commission on the Status of Women to be expended during the 1969–1970 fiscal year for the purpose of carrying out the provisions of Chapter 1378 of the Statutes of 1965.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the important work of the Advisory Commission on the Status of Women continue without interruption, it is necessary that this act take effect at the earliest possible date.

CHAPTER 722

An act to add Section 12428 to the Government Code, to add Section 12021.6 to the Penal Code, to amend Sections 4117, 4119, 5008, 5110, 5153, 5203, 5212, 5225, 5226.1, 5230, 5252, 5254, 5261 as added by Chapter 1374 of the Statutes of 1968, 5264 as added by Chapter 1374 of the Statutes of 1968, 5275, 5276, 5277, 5278, 5302, 5328, 5350, 5352, 5353, 5357, 5360, 5361, 5362, 5366, 5400, 5401, 5603, 5604, 5654, 5659, 5660, 5709, 5709.5, 5709.6, 5713, 5715, 5716, 5718, 5750, 5755, 5765, 6000, 6002, 6004, 7300, 7302, 7305, 7325, 7351, 7352, 7553, 7604, 7706, 8103, and 10053.5 of, to amend and renumber the heading of Article 3.5 (commencing with Section 5260) of Chapter 2 of Part 1 of Division 5, as added by Chapter 1374 of the Statutes of 1968 of, and Section 6467 of, to add Sections 4106.1, 4112.1, 4318, 4319, 5008.1, 5156, 5252.1, 5328.1, 5352.1, 5654.5, 5702.1, 6007, 6008, 6250, 6300.1, 6550, and 6551 to, and to repeal Article 3.5 (commencing with Section 5260) of Chapter 2 of Part 1 of Division 5, as added by Chapter 1170 of the Statutes of 1968, of, and Sections 5307, 5358.5, 6250, and 6550 of, the Welfare and Institutions Code, relating to mental health, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 8, 1969. Filed with Secretary of State August 8, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 12428 is added to the Government Code, to read:

12428. In the event either the Governor or the Legislature should obtain federal approval to transfer programs receiving federal support for the mentally retarded or mentally disordered from one state department to another state department under the provisions of Public Law 90-577 (Intergovernmental Cooperation Act of 1968), the State Controller shall, upon approval of the Director of Finance, transfer to a state department designated by the Governor such parts of the appropriation of the other state departments that are related to mentally retarded or mentally disordered programs, provided further, that such transfer shall enable the state to make maximum utilization of available state and federal funds.

SEC. 1.1. Section 12021.6 is added to the Penal Code, to read:

12021 6. No person who comes within one of the following classes may own, possess, keep, or have in his custody or control, a firearm. This section shall apply to any person who:

(a) Has been found not guilty by reason of insanity in a prosecution for any crime under the laws of the United States, of the State of California, or of any other state, government, or country.

(b) Has been determined to be insane during the pendency of any criminal action pursuant to the provisions of Chapter 6 (commencing with Section 1367) of Title 10 of Part 2 of the Penal Code, or has been found to be insane or mentally incompetent during the pendency and incident to any criminal action under the laws of the United States, or of any other state, government, or country.

(c) Is a mental patient in any hospital or institution, or is on leave of absence from any hospital or institution.

(d) Has been adjudicated by a court of competent jurisdiction to be a mentally disordered sex offender, a narcotic drug addict, a habit-forming drug addict, or a mentally abnormal sex offender, pursuant to the provisions of the Welfare and Institutions Code.

(e) Has been adjudicated by a court of competent jurisdiction to be a danger to others as a result of mental disorder or mental illness, after October 1, 1955, pursuant to the provisions of the Welfare and Institutions Code.

(f) Has been involuntarily committed to a hospital or institution under the laws of the United States or the laws of another state, country, or government, and is present within this state after having escaped from such hospital or institution or in violation of his parole.

SEC. 1.3. Section 4106.1 is added to the Welfare and Institutions Code, to read:

4106.1. The Director of General Services may sell, to the City of San Bernardino, under such terms, conditions and restrictions as he deems to be for the best interests of the state, the following described property on the site of the Patton State Hospital:

Beginning at a point in the centerline of Highland Avenue, which point is Westerly thereon a distance of 246.15 feet from the intersection of said centerline with the centerline of Orange Street; thence North 89° 43′ 01″ East along said centerline of Highland Avenue, a distance of 246.15 feet to the centerline of said Orange Street; thence North 00° 21′ 29″ West along said centerline of Orange Street, a distance of 460.60 feet; thence North 82° 29′ 49″ West, a distance of 186.86 feet; thence South 63° 18′ 31″ West, a distance of 68 21 feet; thence Southerly in a straight line a distance of 455.50 feet, more or less, to the point of beginning, containing 91,476 square feet (2.1 acres), more or less.

Any cost or expenses incurred in the disposition of such property shall be reimbursed from the proceeds of such disposition. The balance of any moneys received from the disposition of such property shall be paid into the General Fund.

SEC 1.4. Section 4112 1 is added to the Welfare and Institutions Code, to read:

4112.1. Section 4112 does not apply to the funds known as the "sheltered workshop funds."

SEC. 1.5. Section 4117 of the Welfare and Institutions Code is amended to read:

4117. Whenever a trial is had of any person charged with escape or attempt to escape from a state hospital under the provisions of Section 6330, whenever a hearing is had on the return of a writ of habeas corpus prosecuted by or on behalf of any person confined in a state hospital except in a proceeding to which Section 5110 applies, whenever a hearing is had on a petition under Section 1026a of the Penal Code or Section 7361 of this code for the release of a person confined in a state hospital, and whenever a person confined in a state hospital is tried for any crime committed therein, the county clerk of the county in which such trial or hearing is had must make out a statement of all costs incurred by the county for investigation and other preparation for the trial or hearing, and the actual trial or hearing, all costs of maintaining custody of the patient and transporting him to and from the hospital, and costs of appeal, which statement shall be properly certified by a judge of the superior court of such county and sent to the Department of Mental Hygiene for its approval. After such approval, the department shall cause the amount of such costs to be paid out of the money appropriated for the support of the state hospital, to the county treasurer of the county where such trial or hearing was had.

SEC. 2. 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 judicially 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 judicially 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. 2.5. Section 4318 is added to the Welfare and Institutions Code, to read:

4318. Subject to rules and regulations adopted by the department, the medical director may establish a sheltered workshop at a state hospital to provide patients with remunerative work performed in a setting which simulates that of industry and is performed in such a manner as to meet standards of industrial quality. The workshop shall be so operated as to provide the treatment staff with a realistic atmosphere for assessing patients' capabilities in work settings, and to provide opportunities to strengthen and expand patient interests and aptitudes.

SEC. 2.6. Section 4319 is added to the Welfare and Institutions Code, to read:

4319. At each state hospital at which there is established a sheltered workshop, there shall be a sheltered workshop fund administered by the medical director. The fund shall be used for the purchase of materials, for the purchase or rental of equipment needed in the manufacturing, fabricating, or assembly of products, for the payment of remuneration to patients engaged in work at the workshop, and for the payment of such other costs of the operation of the workshop as may be directed by the medical director. The medical director may cause the raw materials, goods in process, finished products, and equipment necessary for the production thereof to be insured against any and all risks of loss, subject to the approval of the Department of General Services. The costs of such insurance shall be paid from the sheltered workshop fund.

All money received from the manufacture, fabrication, assembly, or distribution of products at any state hospital sheltered workshop shall be deposited and credited to the hospital's sheltered workshop fund.

SEC. 3. 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 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 Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of this code, or under Title XVIII of the Federal Social Security Act and regulations thereunder. Intensive treatment may be provided in hospitals of the United States government by properly qualified professionals. Nothing in this part shall be construed to prohibit an intensive treatment facility from also providing 72-hour treatment and evaluation;

(d) "Referral" is referral of persons by each agency or facility providing intensive treatment or evaluation services to other agencies or individuals. The purpose of referral shall be to provide for continuity of care, and may include, but need not be limited to, informing the person of available services, making appointments on the person's behalf, discussing the person's problem with the agency or individual to which the person has been referred, appraising the outcome of referrals, and arranging for personal escort and transportation when necessary. Referral shall be considered complete when the agency or individual to whom the person has been referred accepts responsibility for providing the necessary services. All persons shall be advised of available precare services which prevent initial recourse to hospital treatment or aftercare services which support adjustment to community living following hospital treatment. Such services may be provided through county welfare departments, State Department of 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 3 (commencing with Section 5350) of this part;

(h) For purposes of Article 1 (commencing with Section 5150), Article 2 (commencing with Section 5200), and Article 4 (commencing with Section 5250) of Chapter 2 of this part, and for the purposes of Chapter 3 (commencing with Section 5350) of this part, "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, and for the purposes of Chapter 3 (commencing with Section 5350) of this part, "gravely disabled" means a condition in which a person, as a result of impairment by chronic alcoholism, is unable to provide for his 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 each of the persons specified in Sections 830.1 and 830.2 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) "Court," unless otherwise specified, means a court of record or a justice court.

SEC. 4. Section 5008.1 is added to the Welfare and Institutions Code, to read:

5008.1. As used in this division and in Division 4 (commencing with Section 4000), Division 6 (commencing with Section 6000), Division 7 (commencing with Section 7000), and Division 8 (commencing with Section 8000), the term "judicially committed" means all of the following:

(a) Persons who are mentally disordered sex offenders placed in a state hospital or institutional unit for observation or committed to the Department of Mental Hygiene for an indeterminate period pursuant to Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6.

(b) Persons who are narcotic drug addicts committed to the Department of Mental Hygiene pursuant to Article 2 (commencing with Section 6350) of Chapter 2 of Part 2 of Division 6.

(c) Persons who are habit-forming drug addicts committed to the Department of Mental Hygiene pursuant to Article 3 (commencing with Section 6400) of Chapter 2 of Part 2 of Division 6.

(d) Persons who are mentally abnormal sex offenders committed to the Department of Mental Hygiene pursuant to Article 4 (commencing with Section 6450) of Chapter 2 of Part 2 of Division 6.

(e) Mentally retarded persons who are admitted to a state hospital upon application or who are committed to the Department of Mental Hygiene by court order pursuant to Article 5 (commencing with Section 6500) of Chapter 2 of Part 2 of Division 6.

(f) Persons committed to the Department of Mental Hygiene or a state hospital pursuant to the Penal Code.

SEC. 5. Section 5110 of the Welfare and Institutions Code is amended to read:

5110. Whenever a proceeding is held in a superior court under Article 5 (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 of residence of the person, 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 of residence of the person, which shall reimburse the county providing such services. If it is not possible to determine the actual county of residence of the person, the statement shall be sent to the county in which the person was originally detained, which shall reimburse the county providing the services.

SEC. 6. Section 5153 of the Welfare and Institutions Code is amended to read:

5153. Whenever possible, officers charged with apprehension of persons pursuant to this article shall dress in plain clothes and travel in unmarked vehicles.

SEC. 6.1. Section 5156 is added to the Welfare and Institutions Code, to read:

5156. At the time a person is taken into custody for evaluation, or within a reasonable time thereafter, unless a responsible relative or the guardian or conservator of the person is in possession of the person's personal property, the person taking him into custody shall take reasonable precautions to preserve and safeguard the personal property in the possession of or on the premises occupied by the person. The person taking him into custody shall then furnish to the court a report generally describing the person's property so preserved and safeguarded and its disposition, in substantially the form set

forth in Section 5211; except that if a responsible relative or the guardian or conservator of the person is in possession of the person's property, the report shall include only the name of the relative or guardian or conservator and the location of the property, whereupon responsibility of the person taking him into custody for such property shall terminate.

As used in this section, "responsible relative" includes the spouse, parent, adult child, or adult brother or sister of the person, except that it does not include the person who applied for the petition under this article.

SEC. 7. Section 5203 of the Welfare and Institutions Code is amended to read:

5203. Any individual who seeks a petition for court-ordered evaluation knowing that the person for whom the petition is sought is not, as a result of mental disorder, a danger to himself, or to others, or gravely disabled is guilty of a misdemeanor, and may be held liable in civil damages by the person against whom the petition was sought.

SEC. 8. Section 5212 of the Welfare and Institutions Code is amended to read:

5212. Whenever possible, persons charged with service of orders and apprehension of persons pursuant to this article shall dress in plain clothes and travel in unmarked vehicles.

SEC. 9. 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, provided evaluation services designated in the county plan pursuant to Section 5654.5 are available. If such a defendant is brought before the judge of a justice court, the judge may have the defendant transferred to the superior court for such an order.

SEC. 10. Section 5226.1 of the Welfare and Institutions Code is amended to read:

5226.1. If a judge issues an order for evaluation under conditions set forth in this article, proceedings on the criminal charge then pending in the 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 for involuntary treatment, if any, are completed. Upon completion of such evaluation and detention, if any, the defendant shall, if such criminal charge has not been dismissed, be returned by the sheriff of the county in which the order of evaluation was made, from the evaluation or intensive treatment facility to the custody of the sheriff who shall return the defendant to the court where the order for evaluation was made, and proceedings on the criminal charge shall be resumed or dismissed. If, during evaluation or detention for involuntary treatment, the defendant is recom-

mended for conservatorship, and if the criminal charge has not previously been dismissed, the defendant shall be returned by the sheriff to the court in which such charge is pending for the disposition of the criminal charge prior to the initiation of the conservatorship proceedings. The judge of such court may order such defendant to be detained in the evaluation or treatment facility until the day set for the resumption of the proceedings on the criminal charge.

SEC. 11. Section 5230 of the Welfare and Institutions Code is amended 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. Except as provided in this section, he shall in no event 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 if the criminal charge has been dismissed; released to the custody of the sheriff or continue to be detained pursuant to court order under Section 5226.1; 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, subject to the disposition of the criminal charge; as required.

SEC. 11.1. Section 5252 of the Welfare and Institutions Code 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 and that he has been informed of his right to counsel, including court-appointed counsel pursuant to Section 5276 of the Welfare and Institutions Code.

_____
Date

Signed _____

Signed _____

Countersigned _____
Representing intensive treatment facility

SEC. 11.2. Section 5252.1 is added to the Welfare and Institutions Code, to read:

5252.1. The person delivering the copy of the notice of certification to the person certified shall, at the time of delivery, inform the person certified of his legal right to a judicial review by habeas corpus, and shall explain the term to him, and shall inform the person certified of his right to counsel, including court-appointed counsel pursuant to Section 5276.

SEC. 12. 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.

Persons who have been certified for 14 days of intensive treatment and to whom Section 5226.1 is not applicable, or

with respect to whom the criminal charge has been dismissed under Section 5226.1, shall be released at the end of the 14 days unless any of the following applies:

(a) Patients who agree to receive further treatment on a voluntary basis.

(b) Patients recommended for conservatorship pursuant to Chapter 3 (commencing with Section 5350) of this part.

(c) Patients to whom Article 4.5 (commencing with Section 5260) of this chapter is applicable.

(d) Patients to whom Article 6 (commencing with Section 5300) of this chapter is applicable.

SEC. 13. Article 3 5 (commencing with Section 5260) of Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code, as added by Chapter 1170 of the Statutes of 1968, is repealed.

SEC. 14. The heading of Article 3.5 (commencing with Section 5260) of Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code, as added by Chapter 1374 of the Statutes of 1968, is amended and renumbered to read:

Article 4.5. Additional Intensive Treatment of Suicidal Persons

SEC. 15. Section 5261 of the Welfare and Institutions Code, as added by Chapter 1374 of the Statutes of 1968, is amended to read:

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 facility providing 14-day intensive treatment under Article 4 (commencing with Section 5250) to the person and by a physician, if possible a board-qualified psychiatrist, who participated in the analysis and finding referred to in subdivision (a) of Section 5260.

If the professional person in charge is the physician who performed the medical analysis and finding, 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 such analysis and finding shall sign the notice of certification.

SEC. 16. Section 5264 of the Welfare and Institutions Code, as added by Chapter 1374 of the Statutes of 1968, is amended to read:

5264. A 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.

Persons who have been certified for 14 days of intensive treatment under this article and to whom Section 5226.1 is not

applicable, or with respect to whom the criminal charge has been dismissed under Section 5226.1, shall be released at the end of the 14 days unless any of the following applies:

(a) Patients who agree to receive further treatment on a voluntary basis.

(b) Patients recommended for conservatorship pursuant to Chapter 3 (commencing with Section 5350) of this part.

(c) Patients to whom Article 6 (commencing with Section 5300) of this chapter is applicable.

SEC. 16.1. Section 5275 of the Welfare and Institutions Code 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 any person acting on his behalf has made a request for release to either (a) the person delivering the copy of the notice of certification to the person certified at the time of such delivery, or (b) to any member of the treatment staff of the facility providing intensive treatment, at any time during the 14 days of intensive treatment.

Any person delivering a copy of the certification notice or any member of the treatment staff to whom a request for release is made shall promptly provide the person making the request for his signature or mark a copy of the form set forth below. The person delivering the copy of the certification notice or the member of the treatment staff, as the case may be, 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 of the intensive treatment facility, 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 treatment staff, or person delivering the copy of the certification notice), have today received a request for the release of _____ (name of patient) from the undersigned patient on his own behalf or from the undersigned person on behalf of the patient.

_____

Signature or mark of patient making request for release

_____

Signature or mark of person making request on behalf of patient

SEC. 17. 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, (a) 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, (b) that he had not been advised of, or had accepted, voluntary treatment, or (c) that the facility providing intensive treatment is not equipped and staffed to provide treatment, or is not designated by the county to provide intensive treatment he shall be released immediately.

SEC. 18. Section 5277 of the Welfare and Institutions Code is amended to read:

5277. A finding under Section 5276 shall not be admissible in evidence in any civil or criminal proceeding without the consent of the person who was the subject of the finding.

SEC. 19. 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 Article 4.5 (commencing with Section 5260) 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. 20. 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 advise the person named in the petition of his right to be represented by an attorney. The court shall assist him in finding an attorney, or, if need be, appoint an attorney if the person is unable to obtain counsel. 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. 21. Section 5307 of the Welfare and Institutions Code is repealed.

SEC. 21.1. 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 information or record may be released under this subdivision after six months have elapsed since the completion of the record;

(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.

(g) To governmental law enforcement agencies as needed for the protection of federal and state elective constitutional officers and their families.

SEC. 22. Section 5328.1 is added to the Welfare and Institutions Code, to read:

5328.1. Nothing in this chapter shall be construed to prohibit a public or private treatment facility from releasing to a member of the family of a patient the information that the patient is presently a patient in the facility if the professional person in charge of the facility determines that the release of such information is in the best interest of the patient.

SEC. 23. Section 5350 of the Welfare and Institutions Code is amended to read:

5350. A conservator of the person, of the estate, or of the person and the estate may be appointed for any person who is gravely disabled as a result of mental disorder or impairment by chronic alcoholism.

The procedure for establishing, administering and terminating conservatorship under this chapter shall be the same as that provided in Division 5 (commencing with Section 1701) of the Probate Code, except as follows:

(a) A conservator may be appointed for a gravely disabled minor.

(b) Appointment of a conservator under this part shall be subject to the list of priorities in Section 1753 of the Probate Code unless the officer providing conservatorship investigation recommends otherwise to the superior court.

(c) When a gravely disabled person already has a guardian or conservator, the superior court may retain him as guardian or conservator under this chapter, or remove him and appoint a new guardian or conservator under the provisions of this chapter.

(d) The person for whom conservatorship is sought shall have the right to demand a jury trial on the issue whether he is gravely disabled. This right shall also apply in subsequent proceedings to reestablish conservatorship.

(e) As otherwise provided in this chapter.

SEC. 24. 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 or other county officer or employee designated by the county shall act as the temporary conservator.

The procedure for the establishment of conservatorship shall be pursuant to Probate Code Section 1751.

SEC. 24.05. Section 5352.1 is added to the Welfare and Institutions Code, to read:

5352.1. The court may establish a temporary conservatorship and appoint a temporary conservator on the basis of the comprehensive report of the officer providing conservatorship investigation filed pursuant to Section 5354, or on the basis of an affidavit of the professional person who recommended conservatorship stating the reasons for his recommendation, if the court is satisfied that such comprehensive report or affidavit show the necessity for a temporary conservatorship.

SEC. 24.1. 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 or in a facility specified in Section 5358 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. 25. Section 5357 of the Welfare and Institutions Code is amended to read:

5357. All conservators shall have the general powers specified in Section 1852 of the Probate Code and such additional powers specified in Section 1853 of the Probate Code as the court may designate. The report shall set forth which, if any, of the additional powers it recommends. The report shall also recommend for or against the imposition of each of the following disabilities on the proposed conservatee:

(a) The privilege of possessing a license to operate a motor vehicle. If the report recommends against this right and if the court follows the recommendation, the agency providing

conservatorship investigation shall, upon the appointment of the conservator, so notify the Department of Motor Vehicles.

(b) The right to enter into contracts. The officer may recommend against the person having the right to enter specified types of transactions or transactions in excess of specified money amounts.

SEC. 26. Section 5358.5 of the Welfare and Institutions Code is repealed.

SEC. 27. Section 5360 of the Welfare and Institutions Code is amended to read:

5360. The officer providing conservatorship investigation shall recommend, in his report to the court, for or against imposition of a disability set forth in Section 5357 on the basis of the determination of the professional person who recommended conservatorship pursuant to Section 5352.

The officer providing conservatorship investigation shall recommend in his report any of the additional powers of a conservator set forth in Section 1853 of the Probate Code if the needs of the individual patient or his estate require such powers. In making such determination, the officer providing conservatorship investigation shall consult with the professional person who recommended conservatorship pursuant to Section 5352.

SEC. 28. 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.

Any facility in which a conservatee is placed must release the conservatee at his request when the conservatorship terminates. If the conservator has filed a petition for reappointment and transmits a copy thereof to the facility at least 30 days before the automatic termination date, the facility may detain the conservatee after the end of the termination date only if the proceedings for renewal of conservatorship have not been completed and the court orders the conservatee to be held until the proceedings have been completed.

SEC. 28.1. Section 5362 of the Welfare and Institutions Code is amended to read:

5362. (a) 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 attorney, at least 60 days 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 is requested, on the issue of whether the conservatee is still gravely disabled and in need of conservatorship.

_____
(Signed, Judge of the Superior Court)

(b) 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 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. 29. Section 5366 of the Welfare and Institutions Code is amended to read:

5366. On or before June 30, 1970, the medical director of each state hospital for the mentally disordered shall compile a roster of those mentally disordered or chronic alcoholic patients within the institution who are gravely disabled. The roster shall indicate the county from which each such patient was admitted to the hospital or, if the hospital records indicate that

the county of residence of the patient is a different county, the county of residence. The officer providing conservatorship investigation for each 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. 30. Section 5400 of the Welfare and Institutions Code is amended to read:

5400. The Director of Mental Hygiene shall administer this part and shall adopt rules, regulations and standards as necessary. In developing rules, regulations, and standards, the Director of Mental Hygiene shall consult with the California Conference of Local Mental Health Directors, the Citizens Advisory Committee, and the office of the Attorney General. 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.

Wherever feasible and appropriate, rules, regulations and standards adopted under this part shall correspond to comparable rules, regulations, and standards adopted under the Short-Doyle Act. Such corresponding rules, regulations, and standards shall include qualifications for professional personnel.

Regulations adopted pursuant to this part may provide standards for services for chronic alcoholics which differ from the standards for services for the mentally disordered.

SEC. 31. 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, crisis intervention, 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. 32. Section 5603 of the Welfare and Institutions Code is amended to read:

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.

SEC. 33. Section 5604 of the Welfare and Institutions Code is amended to read:

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.

If two local agencies jointly establish a community health service under Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, the advisory board for such community mental health service shall consist of an additional two members, one of whom shall be the chairman of the second governing body, so that the chairmen of both local agencies are members, and the second of whom shall be an additional person representative of the public interest in mental health, mental retardation, and alcoholism.

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 or agency.

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.

SEC. 34. Section 5604 of the Welfare and Institutions Code is amended to read:

5604. Each community mental health service shall have an advisory board of 14 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, a psychiatric technician in communities where there is a state hospital, 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.

If two local agencies jointly establish a community health service under Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, the advisory board for such community mental health service shall consist of an additional two members, one of whom shall be the chairman of the second governing body, so that the chairmen of both local agencies are members, and the second of whom shall be an additional person representative of the public interest in mental health, mental retardation, and alcoholism.

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-time 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 or agency.

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.

SEC. 35. Section 5654 of the Welfare and Institutions Code is amended to read:

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 mentally retarded patients or to persons

committed as mentally disordered sex offenders, narcotic drug addicts, habit-forming drug addicts, mentally abnormal sex offenders, 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.

SEC. 36. Section 5654.5 is added to the Welfare and Institutions Code, to read:

5654.5. The county may elect to provide evaluation and treatment services for persons impaired by chronic alcoholism who are criminal defendants receiving services pursuant to Article 3 (commencing with Section 5225) of Chapter 2 of Part 1 of this division, or who are voluntary patients, or both. The county Short-Doyle plan shall designate the specific facility or facilities for evaluation and treatment of persons impaired by chronic alcoholism who are criminal defendants, or who are voluntary patients, and shall specify the maximum number of patients that can be served at one time by each such facility.

SEC. 37. Section 5659 of the Welfare and Institutions Code is amended to read:

5659 Each county Short-Doyle plan adopted for the 1971–72 fiscal year and each fiscal year thereafter shall include a projection of county needs for mental health services for a five-year period commencing with the fiscal year for which the plan is adopted. 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.

SEC. 38. Section 5660 of the Welfare and Institutions Code is amended to read:

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.

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.

SEC. 38.1. Section 5702.1 is added to the Welfare and Institutions Code, to read:

5702.1. 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 division, but also expenditures proposed to be made under any related program or by any other state agency, designed to provide services incidental to the functions to which this division relates. The secretary may require state departments to contract with it for services to carry out the provisions of this division.

Notwithstanding any other provision of law, authorized services to eligible persons, as defined in this division, provided by all state agencies, including, but not limited to, the Departments of Education, Mental Hygiene, Public Health, 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, to the department for services to eligible persons.

The secretary shall consult with the departments involved in developing the program budget.

SEC. 39. Section 5709 of the Welfare and Institutions Code is amended to read:

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 minimum amount required to finance 10 percent of the legally required services specified in Section 5652, including diagnostic screening for voluntary state hospital patients, and for the provision of care for mentally disordered residents of the state hospital as of July 1, 1969, as specified in Section 5654.

SEC. 40. Section 5709.5 of the Welfare and Institutions Code is amended to read:

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.

For any county for which the county share of the expenditures under an approved county Short-Doyle plan for a fiscal year would exceed the sum of the amount which the county during the immediately preceding fiscal year expended as the county share under the Short-Doyle Act plus an amount equal to one cent ($0.01) for each one hundred dollars ($100) of assessed value of taxable property in the county during the fiscal year to which the plan applies, the state share of the 90-percent–10-percent reimbursement provided for in Section 5705 shall be adjusted so that the state in addition to the 90-percent reimbursement to the county shall also reimburse the county for the amount of the difference between (1) the county share

of expenditure under the approved plan for the fiscal year to which the plan applies, and (2) the sum of the county share amount for the immediately preceding fiscal year plus such one cent ($0.01) for each one hundred dollars ($100) of assessed value amount. The 10 percent county funds required by Section 5705 shall be reduced by the amount of such difference.

SEC. 41. Section 5709.6 of the Welfare and Institutions Code is amended to read:

5709.6. A county with a population of under 100,000 may elect to participate financially in the providing of services under this division by the adoption of a resolution to such effect. Each county adopting such a resolution shall adopt a county Short-Doyle plan for the fiscal year following that in which the resolution is adopted and for each fiscal year thereafter as required by Section 5650 and the provisions of this division, including those relating to financial participation by a county, shall be applicable to the county during the fiscal year for which the initial county Short-Doyle plan of the county is adopted and for each fiscal year thereafter. Any county with a population of under 100,000 which did not elect to participate financially during the 1968–69 fiscal year may elect to do so thereafter by the adoption of a resolution pursuant to this section. If a county with a population under 100,000 does not elect to participate financially in the providing of services 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 or his responsible relatives are able to pay, shall be paid by the state, but the county shall be responsible for the costs and services specified in subdivisions (a) through (f), inclusive, of Section 5719.

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.

SEC. 41.1. Section 5713 of the Welfare and Institutions Code is amended to read:

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 Chapter 7 (commencing with Section 14000) 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.

SEC. 42. Section 5715 of the Welfare and Institutions Code is amended to read:

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, disregarding depreciation on such a facility to the extent it was financed by state funds under this part; 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.

SEC. 42.1. Section 5716 of the Welfare and Institutions Code is amended to read:

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) 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.

SEC. 43. Section 5718 of the Welfare and Institutions Code is amended to read:

5718. Charges shall be made for services rendered to each person 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.

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 patient. 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.

SEC. 44. Section 5750 of the Welfare and Institutions Code is amended to read:

5750. The State Department of Mental Hygiene shall administer this part 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 meeting, and if the conference again refuses to approve them, the matter shall be referred for decision to a committee composed of the Sec-

retary of the Human Relations 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.

SEC. 45. Section 5755 of the Welfare and Institutions Code is amended to read:

5755. By March 15, 1971, 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 provide 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.

SEC. 46. Section 5765 of the Welfare and Institutions Code is amended to read:

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 1971–1972 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 March 15, 1971, and March 15 each subsequent year.

SEC. 47. 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 medical director 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 with a conservator of the person or person and estate who was appointed under Chapter 3 (commencing with Section 5350) of Part 1 of Division 5 with the right as specified by court order under Section 5328 to place his conservatee in a state hospital, 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. If the minor has a conservator of the person, or the person and the estate, appointed under Chapter 3 (commencing with Section 5350) of Part 1 of Division 5, with the right as specified by court order under Section 5328 to place the conservatee in a state hospital the application for the minor shall be made by his conservator.

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 medical director 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.

A voluntary adult patient may leave the hospital or institution at any time by giving notice of his desire to leave to any member of the hospital staff and completing normal hospitalization departure procedures. A conservatee may leave in a like manner if notice is given by his conservator.

A minor person who is a voluntary patient may leave the hospital or institution after completing normal hospitalization departure procedures after notice is given to the superintendent or person in charge by the parents, or the parent, guardian, or other person entitled to the custody of the minor, of their desire to remove him from the hospital.

No person received into a state hospital, private mental institution, or county psychiatric hospital as a voluntary

patient during his minority shall be detained therein after he reaches the age of majority, but any such person, after attaining the age of majority, may apply for admission into the hospital or institution for care and treatment in the manner prescribed in this section for applications by adult persons.

The Department of Mental Hygiene shall establish such rules and regulations as are necessary to carry out properly the provisions of this section.

No person shall be admitted to a state hospital for the mentally retarded under this article unless he meets the residence requirements set forth in Section 6451.

SEC. 47.1. Section 6002 of the Welfare and Institutions Code is amended to read:

6002. The person in charge of any private institution, hospital, clinic, or sanitarium which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally disordered may receive therein as a voluntary patient any person suffering from a mental disorder who is a suitable person for care and treatment in the institution, hospital, clinic, or sanitarium who voluntarily makes a written application to the person in charge for admission into the institution, hospital, clinic, or sanitarium, and who is at the time of making the application mentally competent to make the application. A conservatee, with a conservator of the person, or person and estate, appointed under Chapter 3 (commencing with Section 5350) of Part 1 of Division 5, with the right as specified by court order under Section 5328 to place his conservatee, may be admitted upon written application by his conservator.

After the admission of a voluntary patient to a private institution, hospital, clinic, or sanitarium the person in charge shall forward to the office of the State Department of Mental Hygiene a record of the voluntary patient showing such information as may be required by rule by the department.

A voluntary adult patient may leave the hospital, clinic, or institution at any time by giving notice of his desire to leave to any member of the hospital staff and completing normal hospitalization departure procedures. A conservatee may leave in a like manner if notice is given by his conservator.

SEC. 47.2. Section 6004 of the Welfare and Institutions Code is amended to read:

6004. The superintendent or person in charge of the county psychiatric hospital may receive, care for, or treat in the hospital any person who voluntarily makes a written application to the superintendent or person in charge thereof for admission into the hospital for care, treatment, or observation, and who is a suitable person for care, treatment, or observation, and who in the case of an adult person is in such condition of mind, at the time of making application for admission, as to render him competent to make such application. In the case of a minor person, the application shall be made by his parents,

or by the parent, guardian, or other person entitled to his custody. A conservatee, with a conservator of the person, or person and estate, appointed under Chapter 3 (commencing with Section 5350) of Part 1 of Division 5, with the right as specified by court order under Section 5328 to place his conservatee, may be admitted upon written application by his conservator.

SEC. 48. Section 6007 is added to the Welfare and Institutions Code, to read:

6007. Any person detained as of June 30, 1969, in a private institution, pursuant to former Sections 6030 to 6033, inclusive, as they read immediately preceding July 1, 1969, on the certification of one physician, may be detained after July 1, 1969, for a period no longer than 90 days.

Any person detained as of June 30, 1969, in a private institution, pursuant to such sections, on the certification of two physicians, may be detained after July 1, 1969, for a period no longer than 180 days.

Any person detained pursuant to this section after July 1, 1969, shall be evaluated by the facility designated by the county and approved by the State Department of Mental Hygiene pursuant to Section 5150 as a facility for 72-hour treatment and evaluation. Such evaluation shall be made at the request of the person in charge of the private institution in which the person is detained or by one of the physicians who signed the certificate. If in the opinion of the professional person in charge of the evaluation and treatment facility or his designee, the evaluation of the person can be made by such professional person or his designee at the private institution in which the person is detained, the person shall not be required to be evaluated at the evaluation and treatment facility, but shall be evaluated at the private institution to determine if the person is a danger to others, himself, or gravely disabled as a result of mental disorder.

Any person evaluated under this section shall be released from the private institution immediately upon completion of the evaluation if in the opinion of the professional person in charge of the evaluation and treatment facility, or his designee, the person evaluated is not a danger to others, or to himself, or gravely disabled as a result of mental disorder, unless the person agrees voluntarily to remain in the private institution.

If in the opinion of the professional person in charge of the facility or his designee, the person evaluated requires intensive treatment or recommendation for conservatorship, such professional person or his designee shall proceed under Article 4 (commencing with Section 5250) of Chapter 2, or under Chapter 3 (commencing with Section 5350), of Part 1 of Division 5.

SEC. 48.1. Section 6008 is added to the Welfare and Institutions Code, to read:

6008. For the purposes of this part, a person who is a conservatee with a conservator of the person or of the person and

estate appointed under Chapter 3 (commencing with Section 5350) of Part 1 of Division 5 with the right as specified by court order under Section 5328 to place his conservatee in a hospital of the United States government, may be admitted to such a hospital upon written application made by his conservator. A conservatee so admitted to such a hospital may leave the hospital at any time after his conservator gives notice to a member of the hospital staff that the conservatee is leaving and normal hospitalization departure procedures are completed by the conservator or by the conservator and conservatee.

SEC. 49. Section 6250 of the Welfare and Institutions Code is repealed.

SEC. 49.1. Section 6250 is added to the Welfare and Institutions Code, to read:

6250. As used in this part, "persons subject to judicial commitment" means persons who may be judicially committed under this part as mentally 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), or mentally retarded persons pursuant to Article 5 (commencing with Section 6500).

Nothing in this part shall be held to change or interfere with the provisions of the Penal Code and other laws relating to mentally disordered persons charged with crime or to the criminally insane.

This part shall be liberally construed so that, as far as possible and consistent with the rights of persons subject to commitment, such persons shall be treated, not as criminals, but as sick persons.

SEC. 49.2. Section 6300.1 is added to the Welfare and Institutions Code, to read:

6300.1. No person who is being treated by prayer in the practice of the religion of any well-recognized church, sect, denomination or organization, shall be ordered detained or committed under this chapter unless the court 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. 50. Section 6467 of the Welfare and Institutions Code is amended and renumbered to read:

6457. 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. 51. Section 6550 of the Welfare and Institutions Code is repealed.

SEC. 52. Section 6550 is added to the Welfare and Institutions Code, to read:

6550. If the juvenile court, after finding that the minor is a person described by Section 600, 601, or 602, is in doubt concerning the state of mental health or the mental condition of the person, the court may continue the hearing and proceed pursuant to this article.

SEC. 53. Section 6551 is added to the Welfare and Institutions Code, to read:

6551. If the court is in doubt as to whether the person is mentally disordered or mentally retarded, the court shall order the person to be taken to a facility designated by the county and approved by the State Department of Mental Hygiene as a facility for 72-hour treatment and evaluation. Thereupon the provisions of Article 1 (commencing with Section 5150) of Chapter 2 of Part 1 of Division 5 apply except that the professional person in charge of the facility shall make a written report to the court concerning the results of the evaluation of the person's mental condition. If the professional person in charge of the facility finds the person is, as a result of mental disorder, in need of intensive treatment, he may be certified for not more than 14 days involuntary intensive treatment if the conditions set forth in subdivision (c) of Section 5250 are complied with. Thereupon, the provisions of Article 4 (commencing with Section 5250) of Chapter 2 of Part 1 of Division 5 shall apply to the person. The person may be detained pursuant to Article 4.5 (commencing with Section 5260) or Article 6 (commencing with Section 5300) of Part 1 of Division 5 if the provisions of such articles apply to him.

If the professional person in charge of the facility finds that the person is mentally retarded, the juvenile court may direct the filing in any other court of a petition for the commitment of a minor as a mentally retarded person to the Department of Mental Hygiene for placement in a state hospital. In such case, the juvenile court shall transmit to the court in which the petition is filed a copy of the report of the professional person in charge of the facility in which the minor was placed for observation. The court in which the petition for commitment is filed may accept the report of the professional person in lieu of the appointment, or subpoenaing, and testimony of other expert witnesses appointed by the court, if the laws applicable to such commitment proceedings provide for the appointment by court of medical or other expert witnesses or may consider the report as evidence in addition to the testimony of medical or other expert witnesses.

If the professional person in charge of the facility for 72-hour evaluation and treatment reports to the juvenile court that the minor is not affected with any mental disorder requiring intensive treatment or mental retardation, the professional person in charge of the facility shall return the minor to the juvenile court on or before the expiration of the 72-hour pe-

riod and the court shall proceed with the case in accordance with the Juvenile Court Law.

Any expenditure for the evaluation or intensive treatment of a minor under this section shall be considered an expenditure made under Part 2 (commencing with Section 5600) of Division 5 and shall be reimbursed by the state as are other local expenditures pursuant to that part.

The jurisdiction of the juvenile court over the minor shall be suspended during such time as the minor is subject to the jurisdiction of the court in which the petition for postcertification treatment of an imminently dangerous person or the petition for commitment of a mentally retarded person is filed or under remand for 90 days for intensive treatment or commitment ordered by such court.

SEC. 55. 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 admitted to a state hospital prior to July 1, 1969, and 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 admitted prior to July 1, 1969, or 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. 56. Section 7302 of the Welfare and Institutions Code is amended to read:

7302. Patients admitted to a state hospital prior to July 1, 1969, and all patients judicially committed or remanded, may be transferred to a like institution at the request of relatives or friends, if there is room in the like institution to which transfer is sought and if the Department of Mental Hygiene and the medical directors of the institutions from which and

to which the transfer is to be made consent thereto. The expense of such transfer shall be paid by such relatives or friends.

SEC. 56.1. Section 7305 of the Welfare and Institutions Code is amended to read:

7305. A mentally retarded patient in a state hospital shall not be transferred by the Department of Mental Hygiene to a different state hospital without the consent of his parent, or guardian, if any.

SEC. 56.2. Section 7325 of the Welfare and Institutions Code is amended to read:

7325. When any patient committed by a court to a state hospital or other institution on or before June 30, 1969, or when any patient who is judicially committed on or after July 1, 1969, or when any patient who is involuntarily detained pursuant to Part 1 (commencing with Section 5000) of Division 5 escapes from any state hospital, any hospital or facility operated by or under the Veterans' Administration of the United States government, or any facility designated by a county pursuant to said Part 1, 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 the state hospital, veterans' facility, or the facility designated by a county, 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 the state hospital or to a facility of the Veterans' Administration, or the facility designated by a county, or to any person or place authorized by the Department of Mental Hygiene, or by the Veterans' Administration, or the local director of the county mental health program of the county in which is located the facility designated by the county, 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 the persons specified in Section 830 1 of the Penal Code.

SEC. 57. Section 7351 of the Welfare and Institutions Code is amended to read:

7351. Wherever in any provision of this code heretofore or hereafter enacted the term "parole" is used in relation to the release of a patient from a state hospital, it shall be construed to refer to and mean "leave of absence." Any judicially committed patient or mentally retarded patient granted a leave of absence on or after July 1, 1969, and any patient on leave of absence as of July 1, 1969, may at any time during the period of the leave of absence be recalled and returned to the hospital.

Upon the release of a judicially committed patient as granted by the medical director of a state hospital, on leave of absence or discharge upon any of the grounds provided in this article, in accordance with the rules and regulations prescribed by the department, the superintendent shall issue to or on behalf of the judicially committed patient a document stating the general terms or limitations of the leave of absence, or a certificate stating the general condition of or the reason for the discharge of the judicially committed patient.

SEC. 58. Section 7352 of the Welfare and Institutions Code is amended to read:

7352. The medical director of a state hospital for the mentally disordered or mentally retarded may grant a leave of absence to any mentally retarded patient or judicially committed patient, except as provided in Section 7350, under general conditions prescribed by the Department of Mental Hygiene.

The Department of Mental Hygiene may continue to render services to patients placed on leave of absence prior to July 1, 1969, to the extent such services are authorized by law in effect immediately preceding July 1, 1969.

SEC. 59. Section 7553 of the Welfare and Institutions Code is amended to read:

7553. The Langley Porter Neuropsychiatric Institute shall be conducted and maintained for the purpose of treating incipient and acute mental and nervous cases. Admissions may be on a voluntary basis after approval by the medical director, or on transfer from another institution under the jurisdiction of the department after approval by the Director of Mental Hygiene, or on an involuntary basis under the Lanterman-Petris-Short Act, Part 1 (commencing with Section 5000), of Division 5, after approval by the medical director and the Director of Mental Hygiene. No person shall be committed or remanded by a court 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 director; 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 unit.

The charges for the care and treatment rendered to each person admitted to the hospital, including the outpatient clinic, and the liability for such charges shall be determined and collection, or adjustment of charges made, in the same manner as is provided by law for patients admitted to other state hospitals.

The department shall establish such rules and regulations as are necessary properly to carry out the provisions of this chapter.

SEC. 60. Section 7604 of the Welfare and Institutions Code is amended 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 on a voluntary basis after approval by the medical director, or on transfer from another institution under the jurisdiction of the department after approval by the Director of Mental Hygiene, or on an involuntary basis under the Lanterman-Petris-Short Act, Part 1 (commencing with Section 5000) of Division 5, after approval by the medical director and the Director of Mental Hygiene. 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 unit.

The charges for the care and treatment rendered to each person admitted to the hospital, including the outpatient clinic, and the liability for such charges shall be determined and collection, or adjustment of charges made, in the same manner as is provided by law for patients admitted to other state hospitals.

The department shall establish such rules and regulations as are necessary properly to carry out the provisions of this chapter.

SEC. 61. Section 7706 of the Welfare and Institutions Code is amended 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 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 medical director of the institute approves such admission or transfer. Persons may be admitted on an involuntary basis under the Lanterman-Petris-Short Act, Part 1 (commencing with Section 5000) of Division 5, after approval by the medical director and the Director of Mental Hygiene.

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, and the liability for such charges shall be determined and collection, or adjustment of charges made, in the same manner as is provided by law for patients admitted to other state hospitals.

SEC. 62. Section 8103 of the Welfare and Institutions Code is amended to read:

8103. No person who has been adjudicated by a court to be a danger to others as a result of a mental disorder or mental illness, after October 1, 1955, shall have in his possession or under his custody or control any firearm unless there has been issued to such person a certificate as hereafter described in this section and such person has not, subsequent to the issuance of such certificate, again been adjudicated by a court to be a danger to others as a result of a mental disorder or mental illness.

A certificate meeting the requirements of this section must be a written statement that is either part of a broader certificate of competency or a separate document and that is issued, on application of the person who was so adjudicated, either at the time of release from treatment under such adjudication or at a later date, by the medical director of any California state hospital, stating that in the opinion of the person issuing the certificate based either on his own knowledge or on the opinions of members of his staff or on records of the institution, the applicant is a person who may possess a firearm without endangering others. If a person applies to a medical director of a California state hospital for such a certificate and the applicant has not been treated in that hospital, or if the medical director believes that a current mental examination is necessary to enable him to determine whether or not such a certificate shall be issued, the medical director shall cause such person to be examined by a member of the staff of the hospital and may otherwise investigate the case. The medical director may charge a reasonable fee for such examination and investigation.

Refusal of a medical director to issue a certificate of competency or separate document as described in the preceding provisions of this section is reviewable by mandamus in the superior court of the county of which the applicant is a resident or the county in which the hospital of which the medical director is head. Upon a showing to the satisfaction of the court of abuse of discretion by the medical director the court shall issue its writ directing the medical director to issue its certificate or document.

Every person who possesses or has under his custody or control any firearm in violation of this section is guilty of a misdemeanor.

SEC. 63. Section 10053.5 of the Welfare and Institutions Code is amended to read:

10053.5. The department shall directly or through the county department provide protective social services:

(a) For care of patients on leave of absence from state institutions of the Department of Mental Hygiene; and

(b) When requested by the local director of mental health services, to prevent unnecessary admission of persons to state mental institutions or to facilitate the release of patients for whom hospital care is not the appropriate treatment.

The department, to the extent funds are appropriated and available shall pay for the cost of providing for care in a private home, certified by the department, for any patient on leave of absence from a state hospital, or, when requested by local director of mental health services any person who would otherwise be subject to admission thereto. The monthly rate for such private home care shall be set by the department at an amount which will provide the best possible care at minimum cost and also insure:

(a) That the leave patient will receive proper treatment and may be expected to show progress in achieving the maximum adjustment toward returning to community life; and

(b) That sufficient homes can be recruited to achieve the stated objectives of this section.

To avoid duplication of effort and overlapping of services, the Department of Social Welfare and the Department of Public Health shall develop working agreements so that regional centers now existing or as may be hereinafter created may make fullest possible use of available resources in serving the mentally retarded. In no event shall the monthly rate established by the department pursuant to this section be set at an amount which exceeds one hundred sixty dollars ($160).

SEC. 64. This act shall become operative on July 1, 1969.

SEC. 65. This act is an urgency statute necessary for the immediate preservation of the public peace, 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 Lanterman-Petris-Short Act and the revised Short-Doyle Act will become operative on July 1, 1969, and place in operation a completely new system of providing services to mentally disordered persons in the state.

This act makes technical changes which are necessary to the administration and operation of the new system. In order that technical changes of this act become operative at the same time as the new mental health system, it is necessary that this act take effect immediately.

SEC. 66. Section 1.1 of this act shall not become operative unless Senate Bill No. 1410 is enacted and Assembly Bill No. 2165 is not enacted. In such case Section 1.1 of this act shall become operative at the same time Senate Bill No. 1410 becomes operative and at that time Section 8103 of the Welfare and Institutions Code as amended by Section 62 of this act is repealed.

SEC. 67. Section 34 of this act shall not become operative unless Senate Bill No. 427 is enacted. In such case Section 34 of this act shall become operative at the same time Senate Bill No. 427 becomes operative and at that time Section 5604 of the Welfare and Institutions Code as amended by Section 33 of this act is repealed.

CHAPTER 723

An act to add Section 35404 to the Vehicle Code and to add Section 11526.5 to the Business and Professions Code, relating to size of vehicles.

[Approved by Governor August 8, 1969. Filed with Secretary of State August 8, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 35404 is added to the Vehicle Code, to read:

35404. Any county having a population in excess of 4,000 000 and having within its limits a natural island with an area in excess of 20,000 acres may, by ordinance, prohibit the use of any highway or lane, hereafter established in unincorporated area thereon, (1) by any vehicle exceeding an overall length of 170 inches and an overall width of 65 inches, or (2) by any such vehicle and all vehicles driven by internal combustion engines. Notwithstanding the provisions of Section 906 of the Streets and Highways Code, no such ordinance shall be enacted unless the board of supervisors shall have theretofore adopted, by a four-fifths vote, a resolution determining that the public convenience and necessity require that such highway or lane have a width of 35 feet or less and a roadway width of 22 feet or less.

Any ordinance enacted pursuant to this section shall be subject to Sections 35718 to 35720, inclusive, of this code and shall not apply to authorized emergency vehicles.

SEC. 2. Section 11526.5 is added to the Business and Professions Code, to read:

11526.5. Any county authorized to enact an ordinance pursuant to Section 35404 of the Vehicle Code may approve a highway or lane as therein described as a part of a subdivision, subject to its maintenance by a special district, county service area or maintenance district.

CHAPTER 724

An act to add Section 2984.4 to the Civil Code, relating to venue.

[Approved by Governor August 8, 1969. Filed with Secretary of State August 8, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 2984.4 is added to the Civil Code, to read:

2984.4. An action on a contract under the provisions of this chapter shall be tried in the county in which the contract was in fact signed by the buyer, in the county in which the buyer resided at the time the contract was entered into, in the county in which the buyer resides at the commencement of the action, or in the county in which the motor vehicle purchased pursuant to such contract is permanently garaged.

If within any such county there is a municipal or justice court, having jurisdiction of the subject matter, established in the judicial district in which the contract was in fact signed by the buyer, or in which the buyer resided at the time the contract was entered into, or in which the buyer resides at the commencement of the action, or in which the motor vehicle purchased pursuant to such contract is permanently garaged, such court is the proper court for the trial of the action. Otherwise, any municipal or justice court in such county, having jurisdiction of the subject matter, is the proper court for the trial of the action.

In any action subject to the provisions of this section, concurrently with the filing of the complaint, the plaintiff shall file an affidavit stating facts showing that the action has been commenced in a county or judicial district described in this section as a proper place for the trial of the action. If a plaintiff fails to file the affidavit required by this section, the court shall, upon its own motion or upon motion of any party, dismiss any such action without prejudice.

CHAPTER 725

An act to amend Section 17 of Chapter 52 of the Statutes of 1969, relating to snow removal, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 8, 1969. Filed with Secretary of State August 8, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 17 of Chapter 52 of the Statutes of 1969 is amended to read:

Sec. 17. Of the increased revenue derived from the increase in taxes provided for in this act and received in the Highway Users Tax Fund:

(a) Eighty percent shall be transferred to the Street and Highway Disaster Fund and be available for expenditure for allocation by the State Allocation Board for the purposes of the Emergency Flood Relief Law, including the purposes provided for in Section 54160 of the Government Code, for the repair, restoration, or replacement of any local street, road, or bridge damaged or destroyed by storm and flood or flood conditions, including damage or destruction by flood conditions arising from tidal waves, occurring between November 1, 1968 and September 1, 1969; provided, that the local agency has applied to the State Allocation Board for an allocation of funds on or before December 31, 1969.

(b) Twenty percent shall be transferred to the State Highway Fund for expenditure, without regard to the provisions of Sections 188, 188.8, and 188.9 of the Streets and Highways Code, for the repair, replacement, or restoration of highways and bridges in the state highway system damaged or destroyed by storm and flood or flood conditions which have occurred between November 1, 1968 and September 1, 1969, to present-day standards and to accommodate present traffic.

(c) If the Governor, acting on the advice of the Departments of Finance and Public Works, determines that the transfer of an amount not to exceed one million dollars ($1,000,000) from either subdivision (a) to subdivision (b) or from subdivision (b) to subdivision (a) of this section would result in an earlier termination of the temporary tax increases pursuant to the procedures of Sections 7351.6 and 8651.4 of the Revenue and Taxation Code, he may include in his proclamation terminating such temporary tax increases a finding that such amount should be so transferred. Thereupon, such amount shall be transferred in accordance with the proclamation.

(d) After the termination of the temporary tax increases pursuant to Sections 7351.6 and 8651.4 of the Revenue and Taxation Code, the Department of Finance shall determine the amount by which the increased revenue available for purposes described in subdivision (a) of this section exceeds the

estimated amount of such funds that will be needed for purposes described in subdivision (a). Such amount or two million dollars ($2,000,000), whichever is less, shall be available for purposes of subdivision (e) of this section in addition to the purposes for which it is already available.

(e) Notwithstanding any other provision of law, for all purposes of the Emergency Flood Relief Law (Art. 6 (commencing with Sec. 54150), Ch. 5, Pt. 1, Div. 2, Title 5 of the Government Code), expenditures in excess of the average actual cost of snow removal for the most recent five years by each city and county (or, in the case of a city incorporated for less than five years, expenditures in excess of the average actual cost of snow removal for all the years of its incorporated existence) for removal of snow which resulted from storms occurring between November 1, 1968, and September 1, 1969, less amounts received and to be received during the 1969–1970 fiscal year for snow removal pursuant to Sections 2107 and 2110 of the Streets and Highways Code, shall be considered to be for the repair or restoration of local streets, roads, or bridges, damaged or destroyed by storm and flood or flood conditions; except that the city or county must apply separately to the State Allocation Board for an allocation of funds for such snow removal purposes on or before October 15, 1969; and except that in lieu of the allocation formula set forth in subdivision (2)(a) of Section 54157 of the Government Code, the following provisions shall apply:

If the total amount of all such applications is less than the amount calculated pursuant to subdivision (d) of this section, allocations shall be made for the full amount of the applications. If the total amount of such applications is more than the amount calculated pursuant to subdivision (d) of this section, the State Allocation Board shall apportion such available money to each city and county on the basis of the proportion to which its application bears to the total of all such applications for snow removal reimbursement. Amounts allocated pursuant to this subdivision shall be deducted by counties in computing their reimbursable snow removal costs pursuant to subdivision (d) of Section 2152 of the Streets and Highways Code. For purposes of this section, snow removal does not include the purchase of snow removal equipment.

(f) The application for snow removal assistance under subdivision (e) shall be accompanied by a certification of the actual cost of snow removal to, and the amount received pursuant to Sections 2107 and 2110 of the Streets and Highways Code for snow removal by, the city or county during the most recent five years. In the case of a city incorporated for less than five years, the application under subdivision (e) shall be accompanied by a certification of the actual cost of snow removal to, and the amount received pursuant to Sections 2107 and 2110 of the Streets and Highways Code for snow removal by, such city during all the years of its incorporated existence.

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 recent unprecedented storms, snow removal expenditures by cities and counties are greater than reasonably can be borne by them, even with the allocation of state funds to them for such purpose under existing laws. In order that money from revenues to be raised by the temporary one cent ($0.01) per gallon gas tax increase, pursuant to Chapter 52 of the Statutes of 1969, may be made available to assist the cities and counties in meeting these excessive snow removal costs, it is necessary that this act go into immediate effect.

CHAPTER 726

An act to amend Sections 253.1 and 253.2 of the Streets and Highways Code, relating to the California freeway and expressway system.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 253.1 of the Streets and Highways Code is amended to read:

253.1. The California freeway and expressway system shall include:

Routes 5, 6, 7, 8, 10, 13, 14, 15, 17, 18, 21, 22, 24, 28, 29, 30, 31, 32, 34, 37, 40, 44, 47, 48, 50, 52, 53, 54, 55, 56, 57, 59, 60, 61, 63, 64, 65, 67, 68, 70, 71, 73, 74, 78, 80, 81, 83, 85, 87, 88, 89, 90, 92, 93, 97, 100, 102, 106, 107, 108, 109, 118, 121, 122, 124, 125, 126, 133, 134, 136, 139, 140, 141, 143, 145, 148, 149, 150, 152, 154, 156, 157, 161, 163, 164, 170, 171, 179, 181, 183, 184, 199, 205, 208, 210, 217, 221, 223, 230, 232, 234, 235, 237, 238, 239, 242, 244, 247, 249, 251, 252, 256, 257, 258, 259, 280, 380, 405, 505, 580, 605, 680, 805 and 880 in their entirety.

SEC. 2. Section 253.2 of the Streets and Highways Code is amended to read:

253.2. The California freeway and expressway system shall also include:

Route 1 from:

(a) Route 5 south of San Juan Capistrano to Route 107.

(b) Route 105 to Route 101 near El Rio.

(c) Route 101 near Las Cruces to Route 227 south of Oceano.

(d) Route 101 near San Luis Obispo to San Simeon.

(e) Carmel to Route 280 south of San Francisco.

(f) Route 280 to the San Francisco county line.

(g) Route 101 near the southerly end of Marin Peninsula to the vicinity of Valley Ford.

(h) Route 128 near the mouth of the Navarro River to Route 208 near Rockport.

Route 2 from:

(a) Route 405 near Santa Monica to Route 210.

(b) Harter Lane near Gould Canyon north of La Canada to Route 138.

Route 3 from Route 299 near Weaverville to Route 5 near Yreka.

Route 4 from:

(a) Route 80 near Hercules to Route 99 near Stockton.

(b) Route 99 near Stockton to Route 65.

Route 11 from San Pedro to Route 248 in Pasadena.

Route 12 from:

(a) Route 1 near Valley Ford to Route 101 at Santa Rosa.

(b) Route 101 near Santa Rosa to Melita Road near Santa Rosa.

(c) Route 29 in the vicinity of Napa to Route 80 near Cordelia.

(d) Route 80 near Fairfield to Route 84 at Rio Vista.

(e) Route 84 near Rio Vista to Route 99 near Lodi.

(f) Route 99 near Lodi to Route 88 near Lockeford.

(g) Route 88 near Clements to Route 49 near San Andreas

Route 16 from:

(a) Route 505 to Route 5 near Woodland.

(b) Route 50 near Perkins to Route 49 near Drytown.

Route 20 from Route 101 to Route 80 near Emigrant Gap.

SEC. 3. Section 253.1 of the Streets and Highways Code is amended to read:

253.1. The California freeway and expressway system shall include:

Routes 5, 6, 7, 8, 10, 13, 14, 15, 17, 18, 21, 22, 24, 29, 30, 31, 32, 34, 37, 40, 42, 44, 47, 48, 50, 51, 52, 53, 54, 55, 56, 57, 59, 60, 61, 63, 64, 65, 68, 70, 71, 73, 74, 78, 80, 81, 83, 85, 87, 88, 90, 92, 93, 97, 100, 102, 105, 106, 107, 108, 109, 117, 118, 121, 122, 124, 125, 126, 133, 134, 136, 139, 140, 141, 142, 143, 145, 148, 149, 150, 152, 154, 156, 157, 161, 163, 164, 165, 170, 171, 179, 181, 183, 184, 188, 199, 205, 207, 208, 210, 217, 221, 223, 230, 232, 234, 235, 237, 238, 239, 242, 244, 247, 249, 251, 252, 256, 257, 258, 259, 280, 380, 405, 505, 580, 605, 680, 805 and 880 in their entirety.

SEC. 4. Section 253.2 of the Streets and Highways Code is amended to read:

253.2. The California freeway and expressway system shall also include:

Route 1 from:

(a) Route 5 south of San Juan Capistrano to Route 107.

(b) Route 105 to Route 101 near El Rio.

(c) Route 101 near Las Cruces to Route 227 south of Oceano.

(d) Route 101 near San Luis Obispo to San Simeon.

(e) Carmel to Route 280 south of San Francisco.
(f) Route 280 to the San Francisco county line.
(g) Route 101 near the southerly end of Marin Peninsula to the vicinity of Valley Ford.
(h) Route 128 near the mouth of the Navarro River to Route 208 near Rockport.
Route 2 from:
(a) Route 405 near Santa Monica to Route 210.
(b) Harter Lane near Gould Canyon north of La Canada to Route 138.
Route 3 from Route 299 near Weaverville to Route 5 near Yreka.
Route 4 from:
(a) Route 80 near Hercules to Route 99 near Stockton.
(b) Route 99 near Stockton to Route 65.
Route 11 from San Pedro to Route 248 in Pasadena.
Route 12 from:
(a) Route 1 near Valley Ford to Route 101 at Santa Rosa.
(b) Route 101 near Santa Rosa to Melita Road near Santa Rosa.
(c) Route 29 in the vicinity of Napa to Route 80 near Cordelia.
(d) Route 80 near Fairfield to Route 84 at Rio Vista.
(e) Route 84 near Rio Vista to Route 99 near Lodi.
(f) Route 99 near Lodi to Route 88 near Lockeford.
(g) Route 88 near Clements to Route 49 near San Andreas.
Route 16 from Route 505 to Route 5 near Woodland.
Route 20 from Route 101 to Route 80 near Emigrant Gap.

SEC. 5. It is the intent of the Legislature, if amendments to Sections 253.1 and 253.2 of the Streets and Highways Code proposed by both this bill and S.B. 174 are enacted, that both amendments be given effect and incorporated in Sections 253.1 and 253.2 in the form set forth in Sections 3 and 4 of this act. Therefore, in the event S.B. 174 is enacted and amends Sections 253.1 and 253.2, Sections 3 and 4 of this act shall become operative at the same time that Sections 253.1 and 253.2 as amended by S.B. 174 becomes operative, and at that time, Sections 253.1 and 253.2 of the Streets and Highways Code as amended by Sections 1 and 2 of this act are repealed.

CHAPTER 727

An act to amend Section 263.2 of the Streets and Highways Code, relating to scenic highways.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 263.2 of the Streets and Highways Code is amended to read:

263.2. The state scenic highway system shall also include:
Route 1 from:
(a) Route 5 south of San Juan Capistrano to Route 19 near Long Beach.
(b) Route 187 near Santa Monica to Route 101 near El Rio.
(c) Route 101 at Las Cruces to Route 246 near Lompoc.
(d) Route 227 south of Oceano to Route 101 near Pismo Beach.
(e) Route 101 near San Luis Obispo to Route 35 near Daly City.
(f) Route 35 in San Francisco to Route 480 in San Francisco.
(g) Route 101 near Marin City to Route 208 near Rockport.
Route 2 from Route 210 near La Canada to Route 138 near Wrightwood.
Route 3 from:
(a) Route 36 near Peanut to Route 299 near Douglas City.
(b) Route 299 near Weaverville to Route 5 near Yreka.
Route 4 from:
(a) Route 239 near Brentwood to Route 84 near Antioch.
(b) Route 49 near Angels Camp to Route 89.

SEC. 2. The Advisory Committee on a Master Plan for Scenic Highways shall commence an immediate study of Route 1 from its intersection with Route 246 northerly to the San Luis Obispo county line for inclusion in the state scenic highway system.

SEC. 3. Section 263.2 of the Streets and Highways Code is amended to read:

263.2. The state scenic highway system shall also include:
Route 1 from:
(a) Route 5 south of San Juan Capistrano to Route 19 near Long Beach.
(b) Near Colorado Avenue in Santa Monica to Route 101 near El Rio.
(c) Route 101 at Las Cruces to Route 246 near Lompoc.
(d) Route 227 south of Oceano to Route 101 near Pismo Beach.
(e) Route 101 near San Luis Obispo to Route 35 near Daly City.
(f) Route 35 in San Francisco to Route 480 in San Francisco.
(g) Route 101 near Marin City to Route 208 near Rockport.
Route 2 from Route 210 near La Canada to Route 138 near Wrightwood.
Route 3 from:
(a) Route 36 near Peanut to Route 299 near Douglas City.
(b) Route 299 near Weaverville to Route 5 near Yreka.
Route 4 from:
(a) Route 239 near Brentwood to Route 84 near Antioch.
(b) Route 49 near Angels Camp to Route 89.

SEC. 4. It is the intent of the Legislature, if amendments to Section 263.2 of the Streets and Highways Code proposed by both this bill and S.B. 174 are enacted, that both amendments be given effect and incorporated in Section 263.2 in the form set forth in Section 3 of this act. Therefore, in the event S.B. 174 is enacted and amends Section 263.2, Section 3 of this act shall become operative at the same time that Section 263.2 as amended by S.B. 174 becomes operative, and at that time, Section 263.2 of the Streets and Highways Code as amended by Section 1 of this act is repealed.

CHAPTER 728

An act to amend Section 1509.7 of the Military and Veterans Code, relating to disaster preparedness.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 1509.7 of the Military and Veterans Code is amended to read:

1509.7. (a) Each department, division, bureau, board, commission, officer and employee of this state and of each agency, political subdivision, or local governmental unit of the state shall render all possible assistance to the Governor and to the Director of the Disaster Office in carrying out the provisions of this chapter.

(b) Whenever a state of disaster or of extreme emergency is proclaimed and whenever a state of extreme emergency exists within any region or area, the following classes of state employees who are within such area or region or who may be assigned to duty therein shall be peace officers and shall have the full powers and duties of such officers for all purposes as provided by the Penal Code, and shall perform such duties and exercise such powers as are appropriate or as may be directed by their superior officers:

(1) All members of the California Highway Patrol.

(2) All deputies of the Department of Fish and Game who have been appointed to enforce the provisions of the Fish and Game Code pursuant to Section 851 of that code.

(3) The State Forester and the classes of the Division of Forestry who are designated by the State Forester as having the powers of peace officers, pursuant to Section 4156 of the Public Resources Code.

CHAPTER 729

An act to amend Sections 10470 and 10471 of, and to add Section 10473.1 to, the Business and Professions Code, relating to the Real Estate Education, Research and Recovery Fund.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 10470 of the Business and Professions Code is amended to read:

10470. If on June 30 of any year, the balance remaining in the Real Estate Education, Research and Recovery Fund and allocated for purposes other than real estate education and research is less than two hundred thousand dollars ($200,000), every licensed broker, when obtaining or renewing any such license within four years thereafter, shall pay, in addition to the license fee, a fee of seven dollars ($7), and every licensed salesman, when obtaining or renewing such license within four years thereafter, shall pay, in addition to the license fee, a fee of four dollars ($4). Said fees from both broker and salesman licensees shall be paid into the State Treasury and credited to the Real Estate Education, Research and Recovery Fund, and said deposits shall be allocated solely for the purposes provided in this article.

SEC. 2. Section 10471 of the Business and Professions Code is amended to read:

10471. When any aggrieved person obtains a final judgment in any court of competent jurisdiction against any person or persons licensed under this part, under grounds of fraud, misrepresentation, deceit, or conversion of trust funds arising directly out of any transaction when the judgment debtor was licensed and performed acts for which a license is required under this part, and which cause of action occurred on or after July 1, 1964, the aggrieved person may, upon termination of all proceedings including reviews and appeals in connection with the judgment, file a verified application in the court in which the judgment was entered for an order directing payment out of the Real Estate Education, Research and Recovery Fund of the amount of actual and direct loss in such transaction up to the sum of ten thousand dollars ($10,000) of the amount unpaid upon the judgment, provided that nothing shall be construed to obligate the fund for more than ten thousand dollars ($10,000) per transaction regardless of the number of persons aggrieved or parcels of real estate involved in such transaction.

A copy of the verified application shall be served upon the commissioner and a certificate or affidavit of such service filed with the court.

SEC. 3. Section 10473.1 is added to the Business and Professions Code, to read:

10473.1. The commissioner may defend any such action on behalf of the fund and shall have recourse to all appropriate means of defense and review, including examination of witnesses. Whenever an applicant's judgment is by default, stipulation, or consent, or whenever the action against the licensee was defended by a trustee in bankruptcy, the applicant shall have the burden of proving his cause of action for fraud, misrepresentation, deceit, or conversion of trust funds. Otherwise, the judgment shall be prima facie evidence, but not conclusive evidence, of the fraud, misrepresentation, deceit, or conversion of trust funds.

CHAPTER 730

An act to amend Sections 20467, 20468, 20469, 21203, 21236, 21455, 21705, and 21747 of, and to repeal Sections 20408, 21057, 21234, 21235, 21287, 21290, 21481, 21511, and 21564 of, the Agricultural Code, relating to livestock identification.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 20467 of the Agricultural Code is amended to read:

20467. The board shall be advisory to the director and the Chief of the Bureau of Livestock Identification in the department.

SEC. 2. Section 20468 of the Agricultural Code is amended to read:

20468. The members of the board shall confer with all of the following regarding matters which are involved in the administration of the enforcement functions of the Bureau of Livestock Identification:

(a) The director and the Chief of the Bureau of Livestock Identification.

(b) Livestock producers and marketers.

(c) Farm and livestock organizations.

(d) Other cooperating agencies.

SEC. 3. Section 20469 of the Agricultural Code is amended to read:

20469. The board shall make recommendations to the director and to the Chief of the Bureau of Livestock Identification relative to all of the following:

(a) Improvements and changes in the administration and enforcement of the hide and brand laws and regulations which are adopted pursuant to such laws.

(b) Procedures which are followed by the Bureau of Livestock Identification.

(c) Curbing of livestock thefts.

(d) Legislation which is designed to improve the functioning of the bureau.

SEC. 4. Section 20408 of the Agricultural Code is repealed.

SEC. 5. Section 21057 of the Agricultural Code is repealed.

SEC. 6. Section 21203 of the Agricultural code is amended to read:

21203. The certificate of inspection shall be signed by the inspector and shall show all of the following:

(a) The place and date of inspection and the number of animals inspected.

(b) The sex, the brand, if any, on each branded animal recorded in the name of the owner of the animal, or the marks and brands under which the animal was offered for inspection, and such additional marks and brands as may be required by the chief.

(c) The sex, natural marks, and breed of unbranded animals.

(d) If the animals are to be transported, the names of the shipper and of the consignee and the origin and destination of the shipment.

SEC. 7. Section 21234 of the Agricultural Code is repealed.

SEC. 8. Section 21235 of the Agricultural Code is repealed.

SEC. 9. Section 21236 of the Agricultural Code is amended to read:

21236. Any brand inspection certificate which has been altered, defaced, or changed is void. An inspector may, however, indicate on an inspection certificate any number of cattle which are sold by the holder of the inspection certificate, if he signs and dates such alterations on the inspection certificate.

SEC. 10. Section 21287 of the Agricultural Code is repealed.

SEC. 11. Section 21290 of the Agricultural Code is repealed.

SEC. 12. Section 21455 of the Agricultural Code is amended to read:

21455. Every person not a licensed slaughterer that slaughters any cattle or calves shall do all of the following:

(a) Keep in his possession the hide, with the brands attached to it, without any alteration or disfiguration, until the hide is inspected or released.

(b) Exhibit the hide to any inspector or peace officer on demand.

SEC. 13. Section 21481 of the Agricultural Code is repealed.

SEC. 14. Section 21511 of the Agricultural Code is repealed.

SEC. 15. Section 21564 of the Agricultural Code is repealed.

SEC. 16. Section 21705 of the Agricultural Code is amended to read:

21705. If by any provision of this division a certificate, bill of sale, or other document is required to accompany any

shipment of animals, nothing in this division shall be construed to make the carrier, driver, or any person other than the shipper responsible for the accuracy of the information required in the document.

SEC. 17. Section 21747 of the Agricultural Code is amended to read:

21747. It is unlawful for any person to sell cattle at a public salesyard or release cattle from public salesyards unless an inspector has made a brand inspection of animals which are consigned or shipped to such yard.

SEC. 18. All money collected as a result of the increase in fees for the inspection and identification of cattle pursuant to this act shall not be available for expenditure until appropriated by Legislature.

CHAPTER 731

An act to add Section 12024.1 to the Business and Professions Code, relating to weights and measures.

[Approved by Governor August 13, 1969 Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 12024.1 is added to the Business and Professions Code, to read:

12024.1. Every person, by himself, or through or for another, who willfully misrepresents a charge for service rendered on the basis of weight, time, measure, or count is guilty of a misdemeanor.

CHAPTER 732

An act to amend Sections 1154 and 5303 of the Revenue and Taxation Code, relating to property taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 13, 1969 Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 1154 of the Revenue and Taxation Code is amended to read:

1154. (a) 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.

(b) Air taxis which are operated in scheduled air taxi operations 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.

(c) All other air taxis shall be assessed in the county where the aircraft is habitually situated in the same manner and at the same ratio as other personal property in the county subject to general property taxation. Such aircraft shall be taxed at the same rate and in the same manner as all other property on the unsecured roll.

SEC. 2. 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 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.

(3) Air taxis as defined in subdivision (a) of Section 1154.

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:

Air taxis which are not operated in scheduled air taxi operations make physical contact in taxing agencies with such irregularity as to establish no pattern for a sound or legal allocation formula. A representative period of less than one year to be used by assessors for ascertaining allocation factors for air taxis will not give assessors a reasonably accurate basis for determining physical presence in taxing agencies. In order to avoid the difficult administrative problems in determining physical presence of air taxis by an allocation formula for the next fiscal year it is necessary that this act become effective before July 1, 1969.

CHAPTER 733

An act to add Sections 25452.1 and 25452.2 to the Education Code, relating to school boards, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 25452.1 is added to the Education Code, to read:

25452.1. Notwithstanding the provisions of Sections 25451.9 and 25452, where a junior college district and a unified district have a common governing board consisting of five members, the organization of which was completed on or before December 31, 1968, pursuant to the provisions of this article, and such governing board is elected and the terms of office fixed pursuant to the provisions of a city charter, such governing board may, on or before December 31 in any year, on its own initiative, determine that a separate junior college district governing board be established and require the members of the common board to elect as to which board they wish to serve upon. The junior college board so created shall be composed of the same number of members as the common board.

SEC. 2. Section 25452.2 is added to the Education Code, to read:

25452.2. If an individual elects, pursuant to Section 25452.1, to serve on the junior college district governing board, such an act shall be deemed to have created a vacancy on the unified district governing board commencing on the first day of July next succeeding such election. Such a vacancy shall be filled as provided in the charter of the city, or if no such provision is made, as provided for in this code.

A member of the common board who elects to be a member of the junior college district governing board, shall hold such office until June 30 of the year in which his term of office on the common board would have expired. Positions on the junior college district governing board which remain unfilled after such elections have been made by the members of the common board, shall be filled as provided for in Section 25413.5. A member so appointed shall serve until June 30 of the first odd-numbered year next succeeding the year set out pursuant to Section 25452.1.

In the first odd-numbered year next succeeding the year set out pursuant to Section 25452.1 on the same date upon which governing boards of a majority of other school districts in the county are elected, an election shall be held to fill those positions held by appointees pursuant to this section and members who elected to serve and whose terms will expire on June 30 of such first odd-numbered year. After the election, the mem-

bers of the board shall have terms of office such that three members shall have terms which expire on June 30 of the next succeeding odd-numbered year and two members shall have terms which expire on June 30 of the second succeeding odd-numbered year. Governing board members who had been members of the common board shall have terms of office as provided for in this section. Governing board members elected at such election who received the lowest number of votes shall be deemed to have been elected to the positions of those, if any, whose terms will expire on June 30, of the next succeeding odd-numbered year. Others elected at such election shall have terms of office which expire on the second succeeding odd-numbered year. The election shall be held throughout the junior college district and the members elected to the junior college district governing board shall be elected at large. Except for the initial terms of office, the term of office for a member of the governing board of the junior college district shall be four years and shall commence on July 1 and terminate on June 30.

SEC. 3. This act shall be operative until December 31, 1972, and thereafter shall have no force or effect.

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 this act may be operative in an odd-numbered year and to facilitate the separation of junior college and unified school district governing boards where such action is desired pursuant to this act, it is essential that this act take immediate effect.

CHAPTER 734

An act to amend Sections 1334.2 and 1334.3 of the Penal Code, relating to witnesses.

[Approved by Governor August 13, 1969 Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 1334.2 of the Penal Code is amended to read:

1334.2. If a judge of a court of record in any state, which by its laws has made provision for commanding persons within that state to attend and testify in this state, issues a certificate under the seal of the court that there is a criminal prosecution pending in the court, or that there is a grand jury investigation, that a person within this state is a material witness in such prosecution or grand jury investigation, and that his

presence will be required for a specified number of days, then, upon presentation of the certificate to a judge of a court of record in the county in which the person is, a time and place for a hearing shall be fixed by the judge and he shall make an order directing the witness to appear at the hearing.

If at the hearing, the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution or grand jury investigation in the other state, and that the laws of the state, in which the prosecution is pending or in which there is a grand jury investigation, will give to the witness protection from arrest and service of civil and criminal process and will furnish in advance to the witness the sum of ten cents ($0.10) for each mile necessarily traveled if the witness elects surface travel or the minimum round trip scheduled airlines fare plus twenty cents ($0.20) a mile for necessary surface travel at either end of the flight if the witness elects air travel, and a per diem of twenty dollars ($20) for each day that he is required to travel and attend as a witness and that the judge of the court in which the witness is ordered to appear will order the payment of witness fees authorized by law for each day the witness is required to attend the court plus reimbursement for any additional expenses of the witness which the judge of the court in which the witness is ordered to appear shall find reasonable and necessary, he shall issue a subpoena, with a copy of the certificate attached, directing the witness to attend and testify in the court where the prosecution is pending, or where the grand jury investigation is, at a time and place specified in the subpoena. In any such hearing the certificate shall be prima facie evidence of all the facts stated therein.

If the certificate recommends that the witness be taken into immediate custody and delivered to an officer of the requesting state to assure his attendance therein, the judge may, in lieu of notification of the hearing, direct that the witness be forthwith brought before him for the hearing.

If the judge at the hearing, is satisfied of the desirability of the custody and delivery, for which determination the certificate shall be prima facie proof of this desirability, he may, in lieu of issuing subpoena, order that the witness be forthwith taken into custody and delivered to an officer of the requesting state.

If the witness, who is subpoenaed as herein provided, after being paid or tendered by some properly authorized person the sum or fare, and per diem set forth in this section, fails without good cause to attend and testify as directed in the subpoena, he shall be punished in the manner provided for the punishment of any witness who disobeys a subpoena issued from a court of record in this state.

SEC. 2. Section 1334.3 of the Penal Code is amended to read:

1334.3. If a person in any state, which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions or grand jury investigations in this state, is a material witness in a prosecution pending in a court of record in this state, or in a grand jury investigation, a judge of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required. This certificate shall be presented to a judge of a court of record in the county of such other state in which the witness is found.

If the certificate recommends that the witness be taken into immediate custody and delivered to an officer of this state to assure his attendance in this state, the judge may direct that the witness be forthwith brought before him. If the judge is satisfied of the desirability of the custody and delivery, for which determination the certificate shall be prima facie proof, he may order that the witness be forthwith taken into custody and delivered to an officer of this state. This order shall be sufficient authority to the officer to take the witness into custody and hold him unless and until he may be released by bail, recognizance, or order of the judge issuing the certificate.

If the witness is subpoenaed to attend and testify in this state, he shall be tendered the sum of ten cents ($0.10) for each mile necessarily traveled if the witness elects surface travel or the minimum round trip scheduled airlines fare plus twenty cents ($0.20) a mile for necessary surface travel at either end of the flight if the witness elects air travel, and a per diem of twenty dollars ($20) for each day that he is required to travel and attend as a witness. The judge of the court in which the witness is ordered to appear shall order the payment of witness fees authorized by law for each day the witness is required to attend the court plus reimbursement for any additional expenses of the witness which the judge of the court shall find reasonable and necessary. A witness who has appeared in accordance with the provisions of the subpoena shall not be required to remain within this state a longer period of time than the period mentioned in the certificate, unless otherwise ordered by the court. If the witness fails without good cause to attend and testify as directed in the subpoena, he shall be punished in the manner provided for the punishment of any witness who disobeys a subpoena issued from a court of record in this state.

CHAPTER 735

An act to amend Section 7067.5 of the Business and Professions Code, relating to the Contractors License Law.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 7067.5 of the Business and Professions Code is amended to read:

7067.5. Every applicant for an original license, or for the reactivation of an inactive license, or for the reissuance or reinstatement of a revoked license shall possess and every such applicant, other than one applying under Section 7029 unless required by the registrar, shall evidence financial solvency. The registrar may deny the application of any applicant who fails to comply with this section. For purposes of this section financial solvency shall mean that the applicant's net worth shall exceed one thousand dollars ($1,000).

The applicant shall provide answers to questions contained in a standard form of questionnaire as required by the registrar relative to his financial ability and condition and shall provide a current statement of financial condition prepared in accordance with generally accepted accounting principles and signed by the applicant under penalty of perjury. Such statement shall be accompanied by a report, certificate, or opinion of an independent certified public accountant or an independent public accountant. Such statement shall include, but not be limited to, the applicant's total current assets, total current liabilities, and net worth.

In any case in which such statement would assist the registrar in such investigation, the registrar may require any licensee under investigation pursuant to Article 7 (commencing with Section 7090) of this chapter to provide a current certified financial statement prepared by an independent certified public accountant or by an independent public accountant.

The information contained in the financial statement shall be confidential and not a public record, but, where relevant, shall be admissible as evidence in any administrative hearing or judicial action or proceeding.

The registrar may destroy all financial statements which have been on file for a period of at least five years.

CHAPTER 736

An act to amend Sections 12290, 12301, 12302, 12307, 12432, 12631, 12632, 12978, and 13153 of, to add Section 12107 to, and Article 5 (commencing with Section 12251) to Chapter 3, Part 7, Division 2 of, and to repeal Article 5 (commencing with Section 12251), Chapter 3, Part 7, Division 2 of, the Revenue and Taxation Code, relating to tax on insurers, to take effect immediately, tax levy.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 12107 is added to the Revenue and Taxation Code, to read:

12107. Whenever in this part the date, April 1st, is used as the beginning date for the computation of interest, attachment of penalties, or the fixing of periods of limitation, the date, June 15th, shall be substituted in lieu thereof with respect to taxes for ocean marine insurance.

SEC. 1.5. Article 5 (commencing with Section 12251 of Chapter 3, Part 7, Division 2 of the Revenue and Taxation Code is repealed.

SEC. 2. Article 5 (commencing with Section 12251) is added to Chapter 3, Part 7, Division 2 of the Revenue and Taxation Code, to read:

Article 5. Prepayments

12251. For the calendar year 1970, and each calendar year thereafter, insurers transacting insurance in this state and whose annual tax for the preceding calendar year was five thousand dollars ($5,000) or more shall make prepayments of the annual tax for the current calendar year imposed by Section 14⅘ of Article XIII of the California Constitution and this part, provided that no prepayments shall be made with respect to the tax on ocean marine insurance underwriting profit or any retaliatory tax.

12252. On or before May 1st of each year, the commissioner shall notify by mail each insurer whose annual tax for the preceding calendar year was five thousand dollars ($5,000) or more, that the insurer is required to make prepayments for the current calendar year and the amount of each such prepayment. With the notice the commissioner shall mail prepayment forms to be used by the insurer to accompany remittances of the required prepayments. A failure to give or to receive a notice or to send or receive prepayment forms does not relieve any insurer of responsibility to make prepayments.

12253. Each insurer required to make prepayments shall remit them on or before each of the dates of May 15th, August

15th and November 15th of the current calendar year. Remittances for prepayments shall be made payable to the Controller and shall be delivered to the office of the commissioner, accompanied by a prepayment form prescribed by the commissioner.

12254. (a) The amount of each prepayment shall be 26½ percent of the amount of the annual insurance tax liability reported on the return of the insurer for the preceding calendar year, less any deduction for real estate taxes taken thereon in accordance with Section 12241.

(b) In establishing the prepayment amount of an insurer who has acquired the business of another insurer, the amount of tax liability of the acquiring insurer reported for the preceding calendar year shall be deemed to include the amount of tax liability of the acquired insurer reported for that year.

12255. The commissioner, for good cause shown, may extend for not to exceed 10 days the time for making a prepayment. The extension may be granted at any time, provided that a request therefor is filed with the commissioner within or prior to the period for which the extension may be granted. No interest shall be paid for the period of time for which the extension is granted.

12256. All amounts paid under this article, other than penalties and interest, shall be allowed as a credit on the annual tax imposed by Section 14⅓ of Article XIII of the California Constitution and this part.

12257. If the total amount of prepayments for any calendar year exceeds the amount of annual tax for that year, the excess shall be treated as an overpayment of annual tax and be allowed as a credit or refund under Article 2 (commencing with Section 12977) of Chapter 7 of this part.

12258. Any insurer who fails to pay any prepayment within the time required shall pay a penalty of 10 percent of the amount of the required prepayment, plus interest at the rate of one-half of 1 percent per month, or fraction thereof, from the due date of the prepayment until the date of payment but not for any period after the due date of the annual tax. Assessments of prepayment deficiencies may be made in the manner provided by deficiency assessments of the annual tax.

12259. The provisions of this article apply to the State Compensation Insurance Fund as well as to private insurers.

SEC. 3. Section 12290 of the Revenue and Taxation Code is amended to read:

12290. Whenever in this part the date, April 1st is used as the beginning date for computation of interest, attachment of penalties, or the fixing of periods of limitation, the date, December 1st, shall be substituted in lieu thereof with respect to retaliatory taxes.

SEC. 4. Section 12301 of the Revenue and Taxation Code is amended to read:

12301. The taxes imposed upon insurers by the provisions of Section 14⅓ of Article XIII of the Constitution and of

this part, except with respect to taxes on ocean marine insurance and retaliatory taxes, are due and payable annually on or before April 1st of the year following the calendar year in which the insurer engaged in the business of insurance or transacted insurance in this state. The taxes imposed with respect to ocean marine insurance are due and payable on or before June 15th of such year.

SEC. 5. Section 12302 of the Revenue and Taxation Code is amended to read:

12302. On or before April 1st (or June 15th with respect to taxes on ocean marine insurance) every person who is subject to any tax imposed by the provisions of Section 14⅘ of Article XIII of the Constitution or of this part, in respect to the preceding calendar year shall file, in duplicate, an insurance tax return with the commissioner in such form as the commissioner may prescribe. The return shall show such information pertaining to its insurance business in this state as will reflect the basis of its tax as set forth in Chapters 2 (commencing with Section 12071) and 3 (commencing with Section 12201) of this part, the computation of the amount of tax for the period covered by the return, the total amount of any tax prepayments made pursuant to Article 5 (commencing with Section 12251) of Chapter 3 of this part, and such other information as the commissioner may require to carry out the purposes of this part. Separate returns shall be filed with respect to the following kinds of insurance:

(a) Life insurance (or life insurance and disability insurance).

(b) Ocean marine insurance.

(c) Title insurance.

(d) Insurance other than life insurance (or life insurance and disability insurance), ocean marine insurance or title insurance.

SEC. 6. Section 12307 of the Revenue and Taxation Code is amended to read:

12307. Any insurer to whom an extension is granted shall pay, in addition to the tax, interest at the rate of one-half of 1 percent per month, or fraction thereof, from April 1st until the date of payment.

SEC. 7. Section 12432 of the Revenue and Taxation Code is amended to read:

12432. Except for a notice given pursuant to Section 12430 or 12431, or in the case of fraud or the failure to file a return, every notice of a deficiency assessment shall be given within four years after April 1st of the year following the year for which the amount of tax is assessed or within four years after the return is filed, whichever period expires the later. In the case of failure to file a return the notice shall be given within eight years after April 1st of the year following the year for which the amount of tax is assessed.

SEC. 8. Section 12631 of the Revenue and Taxation Code is amended to read:

12631. Any insurer who fails to pay any tax, except a tax determined as a deficiency assessment by the board under Article 3 of Chapter 4 of this part, within the time required shall pay a penalty of 10 percent of the amount of the tax in addition to the tax, plus interest at the rate of one-half of 1 percent per month, or fraction thereof, from the due date of the tax until the date of payment.

SEC. 9. Section 12632 of the Revenue and Taxation Code is amended to read:

12632. An insurer who fails to pay any deficiency assessment when it becomes due and payable shall, in addition to the deficiency assessment, pay a penalty of 10 percent of the amount of the deficiency assessment, exclusive of interest and penalties. The amount of any deficiency assessment, exclusive of penalties, shall bear interest at the rate of one-half of 1 percent per month, or fraction thereof, from the date on which the amount, or any portion thereof, would have been payable if properly reported and assessed until the date of payment.

SEC. 10. Section 12978 of the Revenue and Taxation Code is amended to read:

12978. No credit or refund shall be allowed or approved after four years after April 1st of the year following the year for which the overpayment was made, or with respect to a deficiency assessment made under Article 3 of Chapter 4 of this part after six months from the date the deficiency assessment becomes final, or after six months from the date of the overpayment, whichever period expires the later, unless claim therefor is filed with the commissioner or the board within such period.

SEC. 11. Section 13153 of the Revenue and Taxation Code is amended to read:

13153. On or before the April 1st, the State Compensation Insurance Fund shall pay into the State Treasury to the credit of the Insurance Tax Fund the sum required under the provisions of Section 12203 of this code.

SEC. 12. 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 January 1, 1970.

CHAPTER 737

An act to amend Sections 9507, 9508, and 9509 of the Health and Safety Code, relating to private and community mausoleums and columbariums.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 9507 of the Health and Safety Code is amended to read:

9507. "Uniform Building Code" means the 1967 edition of The Uniform Building Code adopted and published by the International Conference of Building Officials.

SEC. 2. Section 9508 of the Health and Safety Code is amended to read:

9508. "The Uniform Plumbing Code" means the 1967 edition of The Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials.

SEC. 3. Section 9509 of the Health and Safety Code is amended to read:

9509. "National Electrical Code" means the 1968 edition of The National Electrical Code adopted and published by the National Fire Protection Association.

CHAPTER 738

An act calling a special election to be consolidated with the direct primary election of 1970 and to provide for the submission to the electors of the state at such consolidated election of Senate Constitutional Amendment No. 26 relating to state indebtedness, to take effect immediately, act calling election.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. A special election is hereby called to be held throughout the state on the second day of June, 1970. The special election shall be consolidated with the direct primary 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 and ballot pamphlet 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, Senate Constitutional Amendment No. 26, proposed by the Legislature at the 1969 Regular Session. Except as otherwise provided in this act, 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 act.

SEC. 2. Within five days after either the effective date of this act or the adoption by the Legislature of Senate Constitutional Amendment No. 26, whichever occurs later, the au-

thor of such amendment and one member of the opposite house who voted with the majority on the amendment shall be appointed by the presiding officers of the respective houses to draft the argument for adoption of the measure. If such 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 either the effective date of this act or the adoption by the Legislature of Senate Constitutional Amendment No. 26, whichever occurs later.

SEC. 3. Upon either the effective date of this act or the adoption by the Legislature of Senate Constitutional Amendment No. 26, whichever occurs later, the Secretary of State shall request the Attorney General to prepare a ballot title for the measure submitted pursuant to this act and shall also request the Legislative Counsel to prepare an analysis of the measure in accordance with Section 3566 of the Elections Code. The title and the analysis shall be filed with the Secretary of State within 10 days after either the effective date of this act or the adoption by the Legislature of Senate Constitutional Amendment No. 26, whichever occurs later. The measure submitted pursuant to this act shall be designated on the ballot at the election by its ballot title.

SEC. 4. This act calls an election within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 739

An act to amend Section 29123 of the Government Code, relating to county finances.

[Approved by Governor August 13, 1969 Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 29123 of the Government Code is amended to read:

29123. Relative to an expenditure program to be financed from a bond issue, no expenditure shall be made or obligations incurred therefor, except such preliminary expenditures as are provided by law, until the bonds have been duly authorized.

CHAPTER 740

An act to amend Sections 16731 and 16736 of the Government Code, relating to state indebtedness.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 16731 of the Government Code is amended to read:

16731. Whenever the committee determines that the sale of all or any part of the bonds authorized to be issued is necessary or desirable, it shall adopt a resolution to that effect. The resolution shall authorize and direct the State Treasurer to arrange for the preparation of the requisite number of suitable bonds and shall specify as to such bonds then to be sold:

(a) The aggregate number, aggregate par value, denominations and the date of the bonds to be then sold. Such denominations shall be in the sum of one thousand dollars ($1,000), or multiples thereof. The date appearing on said bonds shall be deemed to be the date of issuance for all purposes of this chapter, irrespective of the actual date of delivery of such bonds and the payment of the purchase price thereof.

(b) The dates of maturity, and the amount of the bonds maturing at each date of maturity, which amounts need not be equal, but which dates shall be at annual or semiannual intervals, and the first of which dates of maturity shall be not more than five years, and the last of which dates of maturity shall be not more than 45 years, after the date of the bonds.

(c) Whether or not the bonds are to be subject to redemption at the option of the board prior to maturity, and, if so, the provisions for such redemption, the manner of the call thereof, and the price or prices at which the bonds shall be subject to redemption.

(d) The annual rate, or rates, of interest which the bonds to be issued shall bear, which may be in multiples of one-eighth or one-twentieth of 1 percent, payable semiannually, but not in excess of 7 percent, which rate or rates may be determined at the time of the sale of said bonds.

(e) The due dates of the interest coupons to be attached to the bonds.

(f) The technical form and language of the bonds and interest coupons.

(g) Whether or not the right is reserved to make delivery in the form of temporary or interim bonds, certificates, or receipts, exchangeable for definitive bonds when executed and available for delivery, and if such right is reserved the denominations and form of such temporary securities.

(h) Whether or not the bonds are to be subject to registration, and if so, whether such registration is to be as to prin-

cipal only, or as to both principal and interest, or in either of such forms at the option of the holder, and the form and all of the terms and conditions of such registration. If such registration is provided for, coupon bonds may be interchanged for registered bonds and registered bonds for coupon bonds, and all of the provisions of this chapter with reference to the payment of bonds and interest coupons shall be subject to the terms and conditions of such registration with respect to the payment of registered bonds and the interest thereon.

(i) All other terms and conditions of the bonds and of the execution, issuance and sale thereof, which shall be consistent with all of the provisions of this chapter.

(j) Notwithstanding the provisions of subdivision (a), the provisions, if any, for the interexchange of coupon or registered bonds of different denominations and the issuance of coupon or registered bonds in lieu of or in exchange for bonds of a like aggregate principal amount but of different denominations and in either coupon or registered form, or partly in coupon and partly in registered form.

SEC. 2. Section 16736 of the Government Code is amended to read:

16736. When the committee deems it in the best interests of the state, it may authorize the State Treasurer upon such terms and conditions as may be fixed by the committee to issue notes, on a negotiated or a competitive-bid basis, maturing within a period not to exceed two years, in anticipation of the sale of bonds duly authorized at the time such notes are issued. The proceeds from the sale of such notes shall be used only for the purposes for which may be used the proceeds of the sale of bonds in anticipation whereof the notes were issued.

When the committee deems it in the best interests of the state, it may authorize the State Treasurer to deliver such notes in payment for work or material furnished to the state for a public improvement, pursuant to a contract awarded in the manner prescribed by law. Such notes shall be so delivered only for the purposes for which may be used the proceeds of the sale of bonds in anticipation whereof the notes were issued.

All notes issued and any renewals thereof shall be payable at a fixed time, solely from the proceeds of the sale of the bonds and not otherwise, except that in the event that the sale of the bonds shall not have occurred prior to the maturity of the notes issued in anticipation of the sale, the State Treasurer shall, in order to meet the notes then maturing, issue renewal notes for such purpose. No renewal of a note shall be issued after the sale of bonds in anticipation of which the original note was issued.

Every note and any renewal thereof shall be payable from the proceeds of the sale of bonds and not otherwise. The total amount of such notes or renewals thereof issued and outstand-

ing shall at no time exceed the total amount of the unsold bonds.

Interest on the notes shall be payable from any appropriation made for that purpose.

SEC. 3. It is the intent of the Legislature that the amendments to Section 16731 of the Government Code made by Section 1 of this act raise the maximum rate of interest payable under the State General Obligation Bond Law with respect to bonds authorized subsequent to the effective date of this act, and that the amendments to Section 16736 of the Government Code made by Section 2 of this act delete the maximum rate of interest payable under the State General Obligation Bond Law with respect to notes issued in anticipation of bonds authorized prior to September 15, 1961, or subsequent to the effective date of this act; provided, that if Senate Constitutional Amendment No. 26 of the 1969 Regular Session is approved by the electors, the amendments made to Sections 16731 and 16736 of the Government Code by Sections 1 and 2 of this act shall be operative with respect to all bonds, and notes issued in anticipation thereof, irrespective of when such bonds may have been authorized. It is further the intent of the Legislature that this act shall in no way affect the authority to issue notes in anticipation of bonds under Section 16737 of the Government Code in the event Senate Bill No. 764 of the 1969 Regular Session is enacted.

CHAPTER 741

An act to add Section 16737 to the Government Code, relating to state indebtedness, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 16737 is added to the Government Code, to read:

16737. When the committee deems it in the best interests of the state, it may authorize the State Treasurer, upon such terms and conditions as may be fixed by the committee, to issue notes, on a negotiated or a competitive-bid basis, maturing within a period not to exceed two years, in anticipation of the sale of bonds duly authorized at the time such notes are issued. The proceeds from the sale of such notes shall be used only for the purposes for which may be used the proceeds of the sale of bonds in anticipation whereof the notes were issued.

When the committee deems it in the best interests of the state, it may authorize the State Treasurer to deliver such notes in payment for work or material furnished to the state

for a public improvement, pursuant to a contract awarded in the manner prescribed by law. Such notes shall be so delivered only for the purposes for which may be used the proceeds of the sale of bonds in anticipation whereof the notes were issued.

All notes issued and any renewals thereof shall be payable at a fixed time, solely from the proceeds of the sale of the bonds and not otherwise, except that in the event that the sale of the bonds shall not have occurred prior to the maturity of the notes issued in anticipation of the sale, the State Treasurer shall, in order to meet the notes then maturing, issue renewal notes for such purpose. No renewal of a note shall be issued after the sale of bonds in anticipation of which the original note was issued.

Every note and any renewal thereof shall be payable from the proceeds of the sale of bonds and not otherwise. The total amount of such notes or renewals thereof issued and outstanding shall at no time exceed the total amount of the unsold bonds.

Interest on the notes shall be payable from any appropriation made for that purpose.

This section shall be effective only with respect to bond anticipation notes issued in anticipation of the sale of bonds authorized either at statewide elections held prior to September 15, 1961, or authorized at any statewide election duly called and held at any time after the effective date of this section.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are as follows:

The State Water Program is desperately in need of moneys to carry on construction work and to complete the construction of the State Water Program. General obligation bonds of the state for this purpose were authorized at an election November 8, 1960, prior to the enactment of Section 16736 of the Government Code authorizing the issuance of bond anticipation notes Such bonds are unmarketable at this time and bond anticipation notes must be issued and sold in order to carry out essential public work for the protection of the health and safety and general welfare of the State of California. Accordingly, it is essential that this act take effect immediately.

CHAPTER 742

An act to add Section 1463.2 to the Penal Code, relating to the disposition of fines.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 1463.2 is added to the Penal Code, to read:

1463.2. Notwithstanding the provisions of Section 1463, out of the moneys deposited with the county treasurer pursuant to Section 1463, there shall be transferred, once a month, into the general fund of any junior college district in the county an amount equal to 50 percent of all fines and forfeitures collected during the preceding month upon the conviction or upon the forfeiture of bail from any person arrested or notified by campus security patrol officers employed by the junior college district and charged with a violation of the parking regulations of the district upon property owned by or leased by the district within the county, and an amount equal to the remaining 50 percent shall be transferred into the general fund of the county.

CHAPTER 743

An act to amend Sections 21051 and 21081 of, and to add Sections 20002.5, 20008.2, 20008.4, 21062, and 21175 to, the Agricultural Code, relating to livestock.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 20002.5 is added to the Agricultural Code, to read:

20002.5. "Beef cattle" means cattle or calves grown primarily for meat production.

SEC. 2. Section 20008.2 is added to the Agricultural Code, to read:

20008.2. "Feedlot" means a beef cattle feedlot or feedyard having more than 500 head of cattle at one time during the calendar year.

SEC. 3. Section 20008.4 is added to the Agricultural Code, to read:

20008.4. "Feedyard feeding" means the feeding of cattle confined in lots or pens which are not used normally for raising crops or in which no vegetation intended for livestock feed is growing.

SEC. 4. Section 21051 of the Agricultural Code is amended to read:

21051. Except as otherwise provided in this chapter, cattle shall be inspected prior to any of the following:

(a) Movement or rebranding, whichever occurs first, when cattle are sold or ownership is transferred.

(b) Transportation out of an area which has full point-of-origin inspection.

(c) Transportation out of the state.

(d) Transportation across an established cattle movement zone line or boundary.

(e) Slaughter.

(f) Release or sale from a public stockyard, public saleyard, or public or private cattle sales market.

(g) Release from a posted stockyard or posted saleyard.

SEC. 5. Section 21062 is added to the Agricultural Code, to read:

21062. The operator of every feedlot as defined in Section 20008.2 may register with the director.

SEC. 6. Section 21081 of the Agricultural Code is amended to read:

21081. If the chief determines that in any particular area in which there is operating a licensed slaughterhouse, public saleyard, or stockyard, or other cattle sales market, or a registered feedlot the volume of shipments or other factors render it impossible or impractical to have inspection prior to shipment, he may, by order, authorize inspection en route or at the point of destination.

SEC. 7. Section 21175 is added to the Agricultural Code, to read:

21175. The shipper or person in charge of cattle being shipped or offered for inspection is responsible for sorting out stray animals and identifying such strays to the brand inspector prior to inspection.

(a) Any expense for feed and transportation incurred in the recovery of stray animals shipped without inspection, or shipped for inspection at destination, without the knowledge and consent of the owner, shall be recovered from the person responsible for the shipment.

(b) Any person failing to cut out or identify stray animals which are shipped without inspection or shipped for inspection at destination shall pay a penalty of five dollars ($5) for each animal to the Bureau of Livestock Identification which is in addition to any other penalty which is provided by law.

SEC. 8. The penalty collected pursuant to Section 7 of this act for the failure of a person to cut out or identify stray animals which are shipped without inspection or shipped for inspection at destination shall not be available for expenditure until appropriated by the Legislature.

CHAPTER 744

An act to amend Sections 601.1 and 708 of the Education Code, relating to school districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 601.1 of the Education Code is amended to read:

601.1. (a) In those counties where the county superintendent of schools has jurisdiction over a school district situated in two or more counties, any qualified elector residing in the part of the school district situated in a county whose county superintendent of schools does not have jurisdiction of such school district shall be eligible to vote for one or more members of the county board of education of the county whose county superintendent of schools has jurisdiction over the school district. Each such elector shall be eligible to vote for the member of the county board of education representing the trustee area of such county having jurisdiction as designated by the county committee on school district organization. Such committee shall apportion the portion of the school district territory not situated in the county having jurisdiction to one or more trustee areas of the other county so that such territory shall, insofar as possible, be represented as if it were situated in the county having jurisdiction. The territory so apportioned shall not become a part of the trustee area to which apportioned for any other purpose. As used in this subdivision, "school district" means any joint union elementary school district, joint union high school district or joint unified school district but does not include any junior college district.

(b) Any person who is a resident of a county and is made eligible to vote for the county board of education of another county pursuant to subdivision (a) shall not be eligible to vote for the county board of education of the county of which he is a resident. Notwithstanding the foregoing provisions of this subdivision, a person shall be eligible to vote for both county boards of education if he is a resident of an elementary school district of any type which is included in a joint union high school district and the elementary school district and the joint union high school district are each under the jurisdiction of different county superintendents of schools.

This section shall not be applicable in a chartered county unless made so by the charter, or by the board of supervisors acting pursuant to the charter.

SEC. 2. Section 708 of the Education Code is amended to read:

708. Whenever a tax rate or portion thereof is levied by any county for the support of its county board of education and superintendent of schools, the assessed valuation of all, but only such portions of elementary and unified school districts under its jurisdiction, shall be considered. The tax rate or portion thereof so computed shall be levied uniformly in all such areas, irrespective of the county in which situated. All moneys collected in surrounding counties from the levy of such tax rate or portion thereof shall be remitted by the respective

county auditors to the auditor of the county of jurisdiction and shall be deposited by him to the credit of the fund or funds from which the support of his county board of education and superintendent of schools is derived.

This section shall be applicable to a chartered county if Section 601.1 is applicable to it.

SEC. 3. This act shall become operative on July 1, 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:

In order that the intent of the Legislature be carried out in the most expeditious manner possible it is necessary that this act be operative for the entire 1969–1970 fiscal year. In order that it may become operative on the first day of that fiscal year, it is necessary that this act take effect immediately.

CHAPTER 745

An act to amend Sections 7455 and 7456 of the Education Code, relating to regional occupational centers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 13, 1969 Filed with Secretary of State August 14, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 7455 of the Education Code is amended to read:

7455. Any pupil eligible to attend a high school or adult school in a school district subject to the jurisdiction of a county superintendent of schools operating a regional occupational center or regional occupational center program, and who resides in a school district which by itself or in cooperation with other school districts, has not established a regional occupational center, or regional occupational program, is eligible to attend a regional occupational center or regional occupational program maintained by the county superintendent of schools. Any school district which in cooperation with other school districts maintains a regional occupational center, or regional occupational program, or any such cooperating school districts may admit to such center, or program, any pupil, otherwise eligible, who resides in the district or in any of the cooperating districts. Any school district which by itself maintains a regional occupational center, or regional occupational program, may admit to such center, or program, any pupil, otherwise eligible, who resides in the district. No pupil, including adults and minors under subdivision (a) of Section 7451.5, shall be admitted to a regional occupational center, or

regional occupational program, unless the county superintendent of schools or governing board of the district or districts maintaining the center, or program, as the case may be, determines that the pupil will benefit therefrom and approves of his admission to the regional occupational center or regional occupational program.

A pupil may be admitted on a full-time or part-time basis, as determined by the county superintendent of schools or governing board of the school district or districts maintaining the center, or program, as the case may be. A school district which by itself or in cooperation with other school districts maintains a regional occupational center, or regional occupational program, may admit pupils residing in other school districts under interdistrict attendance agreements made pursuant to Sections 10801 and 10805.

SEC. 2. Section 7456 of the Education Code is amended to read:

7456. The county superintendent of schools, with the approval of the county board of education, and the governing board of each school district which maintains a regional occupational center or regional occupational program pursuant to this chapter, shall certify to the county auditor and to the county board of supervisors, on or before July 15 of each year, the amount of money required to be raised by a tax for the education of pupils attending the regional occupational center, or regional occupational program, maintained by the county superintendent of schools or by a school district, as the case may be, and for the purposes set forth in Section 7453.

The amount shall be determined by subtracting from the total cost of education of such pupils in the regional occupational center, or regional occupational program, including transportation, to the county superintendent of schools or school district, as the case may be, (1) the total of any balances remaining to be expended for this purpose and (2) the total amount to be apportioned by the Superintendent of Public Instruction to the county school service fund or to the school district, as the case may be, for the education of such pupils and by adding to the result the amount required for the purposes set forth in Section 7453. At the time of levying county taxes, the board of supervisors shall levy a district tax for each regional occupational center, or regional occupational program, maintained by the governing board of a school district pursuant to this chapter upon the taxable property of the school district sufficient to produce the amount required by this section; and the board of supervisors may levy a tax for each regional occupational center, or regional occupational program, maintained by the county superintendent of schools pursuant to this chapter sufficient to produce the amount required by this section, upon the following taxable property under the jurisdiction of the county superintendent of schools in respect to districts maintaining a high school:

(a) Where, within the territory under the jurisdiction of the county superintendent of schools, in respect to districts maintaining a high school, no governing board of a school district is maintaining a regional occupational center or regional occupational program pursuant to this chapter, upon all the taxable property under the jurisdiction of the county superintendent of schools in respect to districts maintaining a high school.

(b) Where, within the territory under the jurisdiction of the county superintendent of schools in respect to districts maintaining a high school, the governing boards of one or more school districts are maintaining a regional occupational center or regional occupational program pursuant to this chapter, upon the taxable property under the jurisdiction of the county superintendent of schools in respect to districts maintaining a high school which is not included in territory of such school districts.

With respect to school districts situated in more than one county, taxes pursuant to this section, whether district taxes or taxes for the support of centers or programs maintained by the county superintendent of schools, shall be levied and collected pursuant to Article 4 (commencing with Section 20851) of Chapter 3 of Division 16. No taxes shall be levied and collected within a school district for the support of regional occupational centers or regional occupational programs maintained by both the governing board of a district and a county superintendent of schools.

The amount received from this tax shall be deposited in the county school service fund. or, if the regional occupational center, or regional occupational program, for which such tax was levied is maintained by a school district, in the county treasury to the credit of the general fund of that school district. The maximum rate of the tax levied for the purposes of this section, except for the purposes set forth in Section 7453, shall not exceed ten cents ($0.10) on each one hundred dollars ($100) of assessed valuation within the high school jurisdiction of the county superintendent or the district, as the case may be, and the maximum rate of the tax levied under this section for the purposes set forth in Section 7453 shall not exceed five cents ($0.05) on each one hundred dollars ($100) of assessed valuation in the high school jurisdiction of the county superintendent or the district, as the case may be.

As used in this section, school district includes each of those school districts which are cooperating in the maintenance of a regional occupational center, or regional occupational program, with the approval of the county superintendent of schools pursuant to Section 7451.

SEC. 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 present law regulating taxation for regional occupational centers permits an inequality to exist with respect to such taxation. In order to remedy this defect, and thus restore equality in taxation, at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 746

An act to amend Section 2106.5 of the Streets and Highways Code, relating to highway funds, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 2106.5 of the Streets and Highways Code is amended to read:

2106.5. (a) Each county and any of its incorporated cities may enter into an agreement regarding the base sum established by paragraph (1) of subdivision (b) of Section 2106, providing for expenditure of the amounts apportioned to the county and apportioned for expenditure within the cities participating in the agreement upon selected roads and streets within the county and the cities participating in the agreement included in the select system of county roads and city streets for such county and cities established as provided in Section 186.3.

(b) Any of the incorporated cities within a county may enter into an agreement among themselves regarding the amount apportioned to them pursuant to paragraph (3) of subdivision (b) of Section 2106 for expenditure upon selected streets included in the select system of city streets, established as provided in Section 186.3, within the cities participating in the agreement.

(c) Any such agreement shall be filed with the Controller. After verification of the agreement by the Controller, the Controller shall make disposition of the apportionments to the parties participating in the agreement in accordance with terms of the agreement.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to enable the incorporated cities within a county to enter into an agreement with one another as soon as possible in connection with funds received from the Highway Users Tax

Fund for the selected system of city streets so that the parties to such an agreement may coordinate their efforts in the planning, design, and construction of their selected system of city streets, it is necessary that this act take effect immediately.

CHAPTER 747

An act to add Chapter 2.5 (commencing with Section 171) to Part 1 of Division 1 of the Revenue and Taxation Code, relating to disaster relief, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 13, 1969 Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 2.5 (commencing with Section 171) is added to Part 1 of Division 1 of the Revenue and Taxation Code, to read:

CHAPTER 2.5. DISASTER RELIEF

171. If an assessor determines on the basis of his valuations for the 1969–1970 assessment year that taxable property was damaged or destroyed by storm or flood conditions or mud slides prior to the lien date in 1969 in an area or region subsequently declared to be in a state of disaster by reason of such major misfortune or calamity and if all conditions are satisfied for the assessment or reassessment of property damaged or destroyed by a major misfortune or calamity set forth in the enactments of the Legislature at its 1969 Regular Session in Chapter 2 (commencing with Section 155) of this part, the assessor shall report to the board of supervisors of the county and to the legislative body of any chartered city within the county which assesses and collects its own taxes with respect to property meeting all of the following requirements:

(a) The property was damaged or destroyed by the major misfortune or calamity which caused the Governor to declare the area or region to be in a state of disaster.

(b) The damage or destruction reduced the assessed value of the property by 50 percent or more.

(c) The assessee of the property provides the assessor with an affidavit, in such form and containing such information as the assessor may require, stating under penalty of perjury that the property was not insured against the major misfortune or calamity, which, in fact, occurred, and that the assessee was unable to obtain insurance through usual channels on the property against that type of damage.

172. Upon receipt of a report provided for in Section 171, the board of supervisors or legislative body, sitting as a local board of equalization, may provide such hearing as it deems reasonable. After determining which of the entries on the assessor's report are true, the county board of supervisors or legislative body may elect to proceed with respect to property described in the approved entries pursuant to this chapter, rather than pursuant to any enactments of the Legislature at its 1969 Regular Session with respect to such property set forth in Chapter 2 (commencing with Section 155) of this part or in Article 1 (commencing with Section 43000) of Chapter 1 of Division 4 of Title 4 of the Government Code, as the case may be. If the board of supervisors or legislative body determines to proceed pursuant to this chapter, the second installment of taxes on all property so approved shall be canceled and all approved entries shall be transmitted to the county auditor and the legislative body shall also transmit its tax rate on all property affected thereby.

173. Upon receipt of the information described in Section 172, the auditor (and the person performing such function for a chartered city which assesses and collects its own taxes) shall cancel the second half of taxes, and all penalties and interest relating thereto, on all property approved pursuant to Section 172, if unpaid, in the manner prescribed in Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division, as if they had been levied or charged erroneously, and, if paid, refunds thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The recent disastrous floods, mud slides and other calamities caused by torrential rains in California have destroyed or damaged property to such an extent that there is grave danger that many owners will be unable to pay the taxes levied thereon. Owners of real property who were unable to obtain insurance against the calamities which have destroyed their holdings have been placed in an especially difficult position, as they are frequently financially unable to restore the property to usable condition. In order to assist those persons who suffered particularly severe damage, it is necessary that this act go into immediate effect.

CHAPTER 748

An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined, and to provide limitations of time within which actions may be commenced in connection therewith, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. The following terms shall have the following meanings herein:

(a) The term "public body" means counties, cities and counties, cities, and the following districts, authorities, agencies, boards, commissions and other entities:

Agencies, boards, commissions or entities constituted or provided for under or pursuant to Chapter 5 (commencing with Section 6500), Division 7, Title 1 of the Government Code.

Air pollution control districts.

Airport districts.

Assessment districts.

Bridge and highway districts.

California water district improvement districts.

California water districts.

Cemetery districts.

Citrus pest control districts.

City general improvement district improvement districts.

City general improvement districts.

City maintenance districts.

Community service districts.

Conservancy districts.

County boards of education.

County drainage districts.

County fire protection districts.

County maintenance districts.

County power pumping districts.

County sanitation districts.

County service areas.

County sewerage and water districts.

County water agencies.

County water authorities.

County water district improvement districts.

County water districts.

County waterworks districts.

Department of Water Resources and other agencies acting under and pursuant to Part 3 (commencing with Section 11100), Division 6 of the Water Code.

Drainage districts.

Fire protection districts.
Flood control and water conservation districts.
Flood control districts.
Garbage and refuse disposal districts.
Garbage disposal districts.
Harbor districts.
Harbor improvement districts.
Highway districts.
Highway interchange districts.
Highway lighting districts.
Horticultural protection districts.
Horticultural development districts.
Housing authorities.
Irrigation district distribution districts.
Irrigation district improvement districts.
Irrigation districts.
Joint harbor improvement districts.
Joint highway districts.
Joint municipal sewage disposal districts.
Junior college districts.
Levee districts.
Library districts.
Local health districts.
Local hospital districts.
Metropolitan water districts.
Mosquito abatement districts.
Municipal improvement district improvement districts.
Municipal improvement districts.
Municipal improvement assessment districts.
Municipal port districts.
Municipal sewer districts.
Municipal utility districts.
Municipal water district improvement districts.
Municipal water districts of any kind.
Parking authorities.
Parking districts.
Park, recreation and parkway districts.
Permanent road divisions.
Pest abatement districts.
Port districts.
Protection districts.
Public cemetery districts.
Public utility district improvement districts.
Public utility districts.
Rapid transit authorities.
Rapid transit districts.
Reclamation districts.
Recreational harbor districts.
Recreation and park districts.
Recreation, park and parkway districts.
Redevelopment agencies.

Regional park districts.
Regional planning districts.
Resort improvement districts.
River port districts.
Road districts.
Sanitary districts.
Sanitary districts annexed areas.
School districts of any kind or class.
Separation of grade districts.
Sewer maintenance districts.
Soil conservation districts.
Special transit service districts.
Storm water districts.
Transit districts.
Underground utility districts.
Unified air pollution control districts.
Unified port districts.
Urban renewal agencies.
Vehicle parking districts.
Veterans' memorial districts.
Water agencies.
Water authorities.
Water conservation districts.
Water districts.
Water replenishment districts.
Water storage district improvement districts.
Water storage districts.
Weed abatement districts.
Zones of flood control districts.
Zones of flood control and water conservation districts.
Zones of county water agencies.
Zones of county water authorities.

The term "public body" and the plural thereof, as used in this act, shall include only those entities which are specifically enumerated in this section.

(b) The term "bonds" means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, and all instruments evidencing the borrowing of money in anticipation of taxes, revenues or other income of such body, and all instruments payable from revenues or special funds of such public bodies, and all instruments funding or refunding any thereof or any indebtedness.

SEC. 2. All public bodies heretofore organized or existing under, or under color of, any law are hereby declared to have been legally organized and to be legally functioning as such public body. Every such public body shall have all the rights, powers, and privileges, and be subject to all the duties and obligations of such a public body regularly formed pursuant to law.

SEC. 3. The boundaries of every public body as heretofore established, defined, or recorded, or as heretofore actually

shown on maps or plats used by the assessor, are hereby confirmed, validated, and declared legally established.

SEC. 4. All acts and proceedings heretofore taken by any public body or bodies under any law, or under color of any law, for the annexation or inclusion of territory into any such public body or for the annexation of any such public body to any other such public body or for the withdrawal or exclusion of territory from any such public body or for the consolidation, merger or dissolution of any public bodies are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of any such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion of such territory or the consolidation, merger or dissolution of such public bodies.

SEC. 5. All acts and proceedings heretofore taken by or on behalf of any public body under any law, or under color of any law, for the authorization, issuance, sale, or exchange of bonds of any such public body for any public purpose are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, issuance, sale, or exchange of such bonds.

All bonds of any public body heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the public body. All bonds of any public body heretofore awarded and sold to a purchaser and hereafter issued and delivered in accordance with the contract of sale and other proceedings for the award and sale shall be the legal, valid and binding obligations of the public body. All bonds of any public body heretofore authorized to be issued by ordinance, resolution, order or other action adopted or taken by or on behalf of the public body and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. All bonds of any public body heretofore authorized to be issued at an election and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. Whenever an election has heretofore been called for the purpose of submitting to the voters of any public body the question of issuing bonds for any public purpose, such bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with such authorization, shall be the legal, valid and binding obligations of the public body.

SEC. 6. (a) The foregoing provisions of this act shall operate to supply such legislative authorization as may be necessary to validate any such acts and proceedings heretofore

taken which the Legislature could have supplied or provided for in the law under which such acts or proceedings were taken.

(b) The foregoing provisions of this act shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

(c) The foregoing provisions of this act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined or which may be pending and undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

(d) This act shall not operate to confirm, validate, or legalize a contract between any district and the United States.

SEC. 7. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the formation, organization or incorporation of any public body, or for any annexation thereto, exclusion therefrom or other change of boundaries thereof, or for the consolidation, merger or dissolution of any public bodies, or for the authorization, issuance, sale or exchange of bonds thereof upon any ground involving an alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of limitations or by laches must be commenced within six months of the effective date of this act; otherwise each and all of said matters shall be held to be valid and in every respect legal and incontestable. This section shall not extend the period in which any action may be brought beyond the period in which it would be barred by any presently existing valid statute of limitations.

SEC. 8. Nothing contained in this act shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Sections 54900 to 54904, inclusive, of the Government Code, is filed within the time and substantially in the manner required by said sections.

SEC. 9. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

SEC. 10 This act may be cited as the Second Validating Act of 1969.

SEC. 11. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and

shall go into immediate effect. The facts constituting such necessity are:

The peace, health and safety of the citizens of the state require the orderly and unhampered functioning of public bodies and such functioning depends upon the validity of the organization, boundaries, and governing officers or boards of public bodies, and upon the validity of acts, proceedings, and bonds of public bodies, and it is therefore imperative and essential that such matters be validated so that during the period before this act would otherwise become effective:

(1) Citizens of the state can be afforded the protection of the police, fire, safety, sanitary, and other regulations and protections provided by public bodies;

(2) Public works and construction by public bodies can be commenced and continued without delay or restriction, to provide sewers, waterworks, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, firehouses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health and safety, and immediately needed to provide for an increased population;

(3) Public bodies can issue and sell bonds heretofore authorized for the purpose of providing sewers, waterworks, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, firehouses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health and safety and immediately needed to provide for an increased population, which cannot now be sold because of defects in the organization or boundaries of some public body or in the authorization of such bonds, which defects will be cured by this act.

CHAPTER 749

An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined, and to provide limitations of time within which actions may be commenced in connection therewith.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. The following terms shall have the following meanings herein:

(a) The term "public body" means counties, cities and counties, cities, and the following districts, authorities, agencies, boards, commissions and other entities:

Agencies, boards, commissions or entities constituted or provided for under or pursuant to Chapter 5 (commencing with Section 6500), Division 7, Title 1 of the Government Code.
Air pollution control districts.
Airport districts.
Assessment districts.
Bridge and highway districts.
California water district improvement districts.
California water districts.
Cemetery districts.
Citrus pest control districts.
City general improvement district improvement districts.
City general improvement districts.
City maintenance districts.
Community service districts.
Conservancy districts.
County boards of education.
County drainage districts.
County fire protection districts.
County maintenance districts.
County power pumping districts.
County sanitation districts.
County service areas.
County sewerage and water districts.
County water agencies.
County water authorities.
County water district improvement districts.
County water districts.
County waterworks districts.
Department of Water Resources and other agencies acting under and pursuant to Part 3 (commencing with Section 11100), Division 6 of the Water Code.
Drainage districts.
Fire protection districts.
Flood control and water conservation districts.
Flood control districts.
Garbage and refuse disposal districts.
Garbage disposal districts.
Harbor districts.
Harbor improvement districts.
Highway districts.
Highway interchange districts.
Highway lighting districts.
Horticultural protection districts.
Horticultural development districts.
Housing authorities.
Irrigation district distribution districts.
Irrigation district improvement districts.
Irrigation districts.
Joint harbor improvement districts.

Joint highway districts.
Joint municipal sewage disposal districts.
Junior college districts.
Levee districts.
Library districts.
Local health districts.
Local hospital districts.
Metropolitan water districts.
Mosquito abatement districts.
Municipal improvement district improvement districts.
Municipal improvement districts.
Municipal improvement assessment districts.
Municipal port districts.
Municipal sewer districts.
Municipal utility districts.
Municipal water district improvement districts.
Municipal water districts of any kind.
Parking authorities.
Parking districts.
Park, recreation and parkway districts.
Permanent road divisions.
Pest abatement districts.
Port districts.
Protection districts.
Public cemetery districts.
Public utility district improvement districts.
Public utility districts.
Rapid transit authorities.
Rapid transit districts.
Reclamation districts.
Recreational harbor districts.
Recreation and park districts.
Recreation, park and parkway districts.
Redevelopment agencies.
Regional park districts.
Regional planning districts.
Resort improvement districts.
River port districts.
Road districts.
Sanitary districts.
Sanitary districts annexed areas.
School districts of any kind or class.
Separation of grade districts.
Sewer maintenance districts.
Soil conservation districts.
Special transit service districts.
Storm water districts.
Transit districts.
Underground utility districts.
Unified air pollution control districts.
Unified port districts.
Urban renewal agencies.

Vehicle parking districts.
Veterans' memorial districts.
Water agencies.
Water authorities.
Water conservation districts.
Water districts.
Water replenishment districts.
Water storage district improvement districts.
Water storage districts.
Weed abatement districts.
Zones of flood control districts.
Zones of flood control and water conservation districts.
Zones of county water agencies.
Zones of county water authorities.

The term "public body" and the plural thereof, as used in this act, shall include only those entities which are specifically enumerated in this section.

(b) The term "bonds" means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, and all instruments evidencing the borrowing of money in anticipation of taxes, revenues or other income of such body, and all instruments payable from revenues or special funds of such public bodies, and all instruments funding or refunding any thereof or any indebtedness.

SEC. 2. All public bodies heretofore organized or existing under, or under color of, any law are hereby declared to have been legally organized and to be legally functioning as such public body. Every such public body shall have all the rights, powers, and privileges, and be subject to all the duties and obligations of such a public body regularly formed pursuant to law.

SEC. 3. The boundaries of every public body as heretofore established, defined, or recorded, or as heretofore actually shown on maps or plats used by the assessor, are hereby confirmed, validated, and declared legally established.

SEC. 4. All acts and proceedings heretofore taken by any public body or bodies under any law, or under color of any law, for the annexation or inclusion of territory into any such public body or for the annexation of any such public body to any other such public body or for the withdrawal or exclusion of territory from any such public body or for the consolidation, merger or dissolution of any public bodies are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of any such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion of such territory or the consolidation, merger or dissolution of such public bodies.

SEC. 5. All acts and proceedings heretofore taken by or on behalf of any public body under any law, or under color of any law, for the authorization, issuance, sale, or exchange of

bonds of any such public body for any public purpose are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, issuance, sale, or exchange of such bonds.

All bonds of any public body heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the public body. All bonds of any public body heretofore awarded and sold to a purchaser and hereafter issued and delivered in accordance with the contract of sale and other proceedings for the award and sale shall be the legal, valid and binding obligations of the public body. All bonds of any public body heretofore authorized to be issued by ordinance, resolution, order or other action adopted or taken by or on behalf of the public body and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. All bonds of any public body heretofore authorized to be issued at an election and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. Whenever an election has heretofore been called for the purpose of submitting to the voters of any public body the question of issuing bonds for any public purpose, such bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with such authorization, shall be the legal, valid and binding obligations of the public body.

SEC. 6. (a) The foregoing provisions of this act shall operate to supply such legislative authorization as may be necessary to validate any such acts and proceedings heretofore taken which the Legislature could have supplied or provided for in the law under which such acts or proceedings were taken.

(b) The foregoing provisions of this act shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

(c) The foregoing provisions of this act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined or which may be pending and undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

(d) This act shall not operate to confirm, validate, or legalize a contract between any district and the United States.

SEC. 7. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law,

or under color of any law, for the formation, organization or incorporation of any public body, or for any annexation thereto, exclusion therefrom or other change of boundaries thereof, or for the consolidation, merger or dissolution of any public bodies, or for the authorization, issuance, sale or exchange of bonds thereof upon any ground involving an alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of limitations or by laches must be commenced within six months of the effective date of this act; otherwise each and all of said matters shall be held to be valid and in every respect legal and incontestable. This section shall not extend the period in which any action may be brought beyond the period in which it would be barred by any presently existing valid statute of limitations.

SEC. 8. Nothing contained in this act shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Sections 54900 to 54904, inclusive, of the Government Code, is filed within the time and substantially in the manner required by said sections.

SEC. 9. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

SEC. 10. This act may be cited as the Third Validating Act of 1969.

CHAPTER 750

An act relating to the California State Polytechnic College campus in Los Angeles County.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding any other provision of law, all commitments made prior to the effective date of this act by the California State Polytechnic College, the Trustees of the California State Colleges, or the Department of Education to either the Department of Finance or the Department of General Services, or both, requiring sale by the trustees of a tract of land comprised of approximately 156.16 acres adjacent to California State Polytechnic College in the County of Los Angeles are hereby declared void.

It is the intent and purpose of the Legislature, in voiding such commitments, to enlarge the campus of California State Polytechnic College in the County of Los Angeles by approximately 156.16 acres.

CHAPTER 751

An act to amend Sections 20025, 20835 and 21367.51 of, and to repeal Sections 20025.1 and 21367.5 of the Government Code, relating to Public Employees' Retirement System.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 20025 of the Government Code is amended to read:

20025. The entire compensation of a local member shall be included in any computation to be made under this part for service rendered as an employee of a contracting agency, the effective date of whose contract is on or after July 1, 1952, or whose contract on its effective date prior to July 1, 1952 contained an election to be subject to this section. Compensation of a local member in excess of four hundred sixteen dollars and sixty-six cents ($416.66) per month shall be excluded from compensation used in any computation to be made under this part for service rendered to a contracting agency, whose contract was effective prior to July 1, 1952, and did not on its effective date contain an election to be subject to this section, prior to the effective date of the amendment electing to be so subject in accordance with this section prior to amendment at the 1969 Regular Session, unless the member shall elect to pay into the retirement fund contributions as required in this section. The election must be by written notice filed in the office of the board, and may be made at any time prior to retirement. The required contribution shall be paid in lump-sum payments or in installments at times, in amounts, and in a manner fixed by the board, and shall be in an amount equal to, (1) such additional amount as he would have contributed as a part of his normal contributions as an employee of such contracting agency, assuming the entire compensation earned by him was subject to normal contributions; and (2) an amount equal to the additional interest which would have been credited to his account under such assumption; and (3) in the case of any member electing to make payment in other than a lump sum, interest on the balance of the amount payable into the retirement fund, pursuant to such election, at the rate of interest currently being used from time to time under this system. At the time of filing the notice of election, as herein provided, any such member may elect to apply toward the additional amount payable by him pursuant to such election, any additional accumulated contributions with which he is entitled to be credited.

The entire compensation of a member shall be included in any computation to be made under this part to determine the portion of any benefit based on current service rendered on and after the effective date of such amendment to the contract.

If a member makes the election and payment as provided in this section, his entire compensation shall be included in any computation to be made under this part for the entire period of his current service rendered as an employee of such contracting agency and with which he is entitled to be credited at retirement.

SEC. 2. Section 20025.1 of the Government Code is repealed.

SEC. 3. Section 20835 of the Government Code is amended to read:

20835. The credit for prior service to be granted local members and the benefits pertaining thereto, shall be established by contract between the board and the governing body of such agency. Benefits on account of each year of credited prior service shall be in the form of a percentage of:

(a) The final compensation of local safety members; or

(b) The final compensation of a local miscellaneous member who retires after the effective date of the amendment to this section at the 1969 Regular Session, whether or not the contracting agency has elected to be subject to the provisions of this subsection.

SEC. 4. Section 21367.5 of the Government Code is repealed.

SEC. 5. 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.

On and after the operative date of the amendment to this section at the 1969 Regular Session, this section shall apply to all contracting agencies and to the employees of such agencies whether or not such agencies have previously elected to be subject to this section.

SEC. 6. This act shall become operative on the first of the month following the month in which statutes enacted at the 1969 Regular Session are effective.

CHAPTER 752

An act to amend Sections 20602, 20612, 20656, 21226, 21252.1, 21252.10, 21252.2, 21252.6 and 21252.8 of, to add Sections 21221.5 and 21252.9 to, and to repeal Sections 20609, 21251.4, 21251.5 and 21251.6 of the Government Code, relating to Public Employees' Retirement System.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 20602 of the Government Code is amended to read:

20602. The normal rate of contribution for any member whose retirement allowance is determined under 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 following 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 any of such sections or Section 21252.2, whether or not contributions for such service were withdrawn or redeposited, increased by the number of completed years of his absence from any employment subject to any of such sections.

SEC. 2. Section 20609 of the Government Code is repealed.

SEC. 3. Section 20612 of the Government Code is amended 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 or Section 21252.10 and reduced under Section 21252.10 or 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. 4. Section 20656 of the Government Code is amended to read:

20656. Upon reentering this system after a termination of his membership, if a member does not elect to redeposit withdrawn contributions as provided in Section 20654 or, having so elected, subsequently does not make such redeposit, he reenters as a new member without credit for any service except the prior service credited to him as a state member before termination.

SEC. 5. Section 21221.5 is added to the Government Code, to read:

21221.5. Notwithstanding anything to the contrary in Section 20520, monthly allowances payable to persons retired under a local system of a contracting agency at the time of contract shall be adjusted in accordance with this article. Allowances payable for service to a public agency whose contract is terminated on or after the effective date of this section

shall be adjusted in accordance with this article subject to reduction in accordance with Section 20564. Allowances payable for service to a public agency whose contract was terminated prior to the effective date of the section shall not be adjusted in accordance with this article.

SEC. 6. Section 21226 of the Government Code is amended to read:

21226. Increases in allowances granted under Sections 21251.4, 21251.5 and 21251.6 of this part prior to the repeal of such sections or under Section 21251.75 of this code prior to July 1, 1972 shall be included in the base allowance for purpose of any adjustment under this article after the date of such increase. Section 21251.75 shall not apply to any contracting agency or its employees, which agency has not approved an amendment to its contract prior to July 1, 1972, electing to be subject thereto.

SEC. 7. Section 21251.4 of the Government Code is repealed.

SEC. 8. Section 21251.5 of the Government Code is repealed.

SEC. 9. Section 21251.6 of the Government Code is repealed.

SEC. 10. 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 the difference between age 55 and the member's age at his birthday nearest to the date of his first entry into any service to which this section, Section 21252.10, 21252.2, 21252.6 or 21252.8 of this part applied, whether or not such service is credited at retirement, increased, as to service following an absence from employment to which any such section applies, by the number of completed years of such absence. 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. 11. 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 any service to which this section, Section 21252.1, 21252.2, 21252.6 or 21252.8 of this part applied, whether or not such service is credited at retirement, increased, as to service following an absence from employment to which any such section applies, by the number of completed years of such absence. 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. 12. Section 21252.2 of the Government Code is amended 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 multiplied 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 any service to which this section, Section 21252.1, 21252.10, 21252.6 or 21252.8 of this part applied, whether or not such service is credited at retirement, increased, as to service following an absence from employment to which any such section applies, by the number of completed years of such absence from 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. 13. 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 members's age at his birthday nearest to the date of his first entry into any service to which this section, Section 21252.1, 21252.10, 21252.2 or 21252.8 applied, whether or not such service is credited at retirement, increased, as to service following an absence from employment to which any such section applies, by the number of completed years of such absence.

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 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. 14. Section 21252.8 of the Government Code is amended to read:

21252.8. The combined prior and current service pensions for local safety members, other than local 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 service credited to him as such a member, such percentage to be $2\frac{1}{2}$ 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 any service to which this section, Section 21252.1, 21252.10, 21252.2 or 21252.6 applied, whether or not such service is credited at retirement, increased, as to service following an absence from any employment to which any such section applies, by the number of completed years of any such absence. 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 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. 15. Section 21252.9 is added to the Government Code, to read:

21252.9. Notwithstanding anything to the contrary in Sections 21252.1, 21252.10, or 21252.2, the percentage of final compensation used in computing a pension for service under any such section following entry into employment prior to the effective date of this section for a member whose last entry before retirement was prior to such effective date and who had previous service to which another such section applied or to another employer to which the same section applied, shall be the percentage established for such service under the provisions of this part as they applied to such service prior to December 1, 1968.

SEC. 16. This act shall become operative on the first of the month following the month in which statutes enacted at the 1969 Regular Session are effective.

CHAPTER 753

An act to amend Sections 20602, 20612, 21252.01, 21252.1, and 21252.45 of, and to repeal Sections 21252.6 and 21252.8 of, the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 20602 of the Government Code is amended to read:

20602. The normal rate of contribution for any member whose retirement allowance is determined under Sections 21252.1 and 21252.10, 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 or Section 21252.2, shall be the rate, specified in the schedule established by the board in accordance with this chapter as it read on the day preceding the operative date of this section, and in effect on that date for that formula and benefit percentage, for the age at his birthday nearest to the date of his earliest service subject to any of such sections, whether or not contributions for such service were withdrawn or redeposited, increased by the number of completed years of his absence from any employment subject to any of such sections.

SEC. 2. Section 20612 of the Government Code is amended to read:

20612. The normal rate of contribution otherwise established under this article for a member whose retirement allowance is determined under Section 21252.01, 21252.1, or 21252.10 and reduced under Section 21252.10 or 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. 3. Section 21252.01 of the Government Code is amended to read:

21252.01. The current service pension for patrol members and the combined current and prior service pensions 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 and the combined current and prior service pensions under this section for all service to all employers exceed an amount which, when added to the service retirement annuity related to such service, equals 75 percent of final compensation. If the pension relates to service to more than one employer and would otherwise exceed such maximum, the pension payable with respect to each employer shall be reduced in the same proportion as the allowance based on service to such employer bears to the total allowance computed as though there were no limit, so that the total of such pensions shall equal the maximum.

This section shall not apply to 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 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, 21252.45, or 21252.5, whichever is then applicable, with respect to patrol

and local safety members who retire after the date this section becomes applicable to their respective employers.

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. 4. 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 or 21252.5 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 any service to which this section, Section 21252.1, or 21252 2 of this part applied, whether or not such service is credited at retirement, increased, as to service following an absence from employment to which any such section applies, by the number of completed years of such absence. 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. 5. Section 21252.45 of the Government Code is amended to read:

21252 45. The fraction or percentage of final compensation, for purposes of calculating the combined prior and current service pensions under Section 21252.1 or 21252.01 for a local safety member retiring after the effective date of his coverage under the federal system 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 or 21252.01, as the case may be, shall supersede Section 21252.5 with respect to all service to a contracting agency electing to be subject hereto; 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. 6. Section 21252.6 of the Government Code is repealed.

SEC. 7. Section 21252.8 of the Government Code is repealed.

SEC. 8. This act shall become operative on the first of the month following the month in which statutes enacted at the 1969 Regular Session are effective.

CHAPTER 754

An act to amend Section 16652 of the Education Code, relating to community recreation.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 16652 of the Education Code is amended to read:

16652. The following terms, wherever used or referred to in this chapter (commencing at Section 16651) have the following meanings, respectively, unless a different meaning clearly appears from the context:

(a) "Public authority" means any city of any class, city and county, county of any class, public corporation or district having powers to provide recreation, or school district in the state.

(b) "Governing body" means, in the case of a city, the city council, municipal council, or common council; in the case of a county or city and county, the board of supervisors; in the case of a public corporation or district, the governing board of the public corporation or district; and in the case of a school district, the governing board of the school district.

(c) "Recreation" means any activity, voluntarily engaged in, which contributes to the physical, mental, or moral development of the individual or group participating therein, and includes any activity in the fields of music, drama, art, handicraft, science, literature, nature study, nature contacting, aquatic sports, and athletics, or any of them, and any informal play incorporating any such activity.

(d) "Community recreation" and "public recreation" mean such recreation as may be engaged in under direct control of a public authority.

(e) "Recreation center" means a place, structure, area, or other facility under the jurisdiction of a governing body of a public authority used for community recreation whether or not it may be used primarily for other purposes, playgrounds, playing fields or courts, beaches, lakes, rivers, swimming pools, gymnasiums, auditoriums, libraries, parks adjacent to school sites, rooms for arts and crafts, camps, and meetingplaces.

Playgrounds, outdoor playing fields or courts, swimming pools, and camps, with necessary equipment and appurtenances for their operation, under the jurisdiction of a governing board of a public authority used for community recreation shall be considered recreation centers within the meaning of this chapter (commencing at Section 16651) whether or not they may be used primarily for other purposes.

CHAPTER 755

An act to amend Section 9997 of the Business and Professions Code, relating to employment agencies, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 9997 of the Business and Professions Code is amended to read:

9997. The bureau, subject to the approval of the director, shall charge the following fees:

(a) A filing fee which shall be set by the bureau at not more than fifty dollars ($50) for each new application for license.

(b) A filing fee which shall be set by the bureau at not more than one hundred dollars ($100) for each new application for a branch office license.

(c) A filing fee which shall be set by the bureau at not more than fifty dollars ($50) for application for examination or reexamination.

(d) A filing fee which shall be set by the bureau at not more than fifty dollars ($50) for application to transfer or assign a license.

(e) An annual license fee which shall be set by the bureau at not more than two hundred dollars ($200) for an employment agency license, except that the annual license fee for an employment agency engaged exclusively in the business of procuring babysitting employment for others shall be set by the bureau at not more than seventy-five dollars ($75).

(f) An annual license fee which shall be set by the bureau at not more than one hundred dollars ($100) for license of each branch office, except that the annual license fee for each branch office license for an employment agency engaged exclusively in the business of procuring babysitting employment for others shall be set by the bureau at not more than thirty-eight dollars ($38).

(g) An interim employment agency license fee which shall be set by the bureau at not more than one hundred dollars ($100).

(h) A reinstatement fee of two hundred dollars ($200), in addition to the current renewal fee, to reinstate a license revoked or suspended.

No fees shall be prorated for the unexpired portion of the license year.

The fees shall be set by the bureau within the limits prescribed by this section in such amounts as it determines will be reasonably necessary to provide only sufficient revenue for the administration and enforcement of this chapter.

SEC. 2. The Bureau of Employment Agencies shall not be required to collect from any employment agency which is engaged exclusively in the business of procuring babysitting employment for others and which, during the period between March 12, 1969, and the effective date of this act, paid twenty-five dollars ($25) in order to renew its license, an additional twenty-five dollars ($25) for such renewal.

SEC. 3. The Bureau of Employment Agencies shall refund to any employment agency which is engaged exclusively in the business of procuring babysitting employment for others and which, during the period between March 12, 1969, and the effective date of this act, renewed its license, any amount which was paid over twenty-five dollars ($25).

SEC. 4. There is hereby appropriated from the Bureau of Employment Agencies Fund such amount as may be necessary for the Bureau of Employment Agencies to make the refunds required by Section 3 of this act.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Chapter 12 of the Statutes of 1969, which took effect on March 12, 1969, fixed a minimum fee of fifty dollars ($50) for the renewal of a license held by an employment agency engaged exclusively in the business of procuring babysitting

employment for others. Through inadvertence the Bureau of Employment Agencies fixed a minimum renewal fee of twenty-five dollars ($25) and has renewed some licenses on the payment of that amount.

In order to avoid confusion with respect to the validity of the renewals made by the bureau on and after March 12, 1969, upon the payment of twenty-five dollars ($25) and to avoid the costs which may be necessary to secure collection of an additional twenty-five dollars ($25) from such licensees, it is imperative that this act take effect immediately.

CHAPTER 756

An act to amend Section 12761 of the Health and Safety Code, relating to fireworks.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 12761 of the Health and Safety Code is amended to read:

12761. This part does not prohibit any manufacturer, wholesaler, dealer or jobber, having a license and a permit secured under the provisions of this part, from:

(a) Manufacturing or selling any kind of fireworks for direct shipment out of this state.

(b) Manufacturing or selling at wholesale any dangerous fireworks to persons holding permits hereunder.

(c) Selling dangerous fireworks to persons having a license and a permit for public displays of fireworks.

CHAPTER 757

An act to add Section 5541 to the Business and Professions Code, relating to construction permits.

[Approved by Governor August 13, 1969 Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 5541 is added to the Business and Professions Code, to read:

5541. Each county or city which requires the issuance of a permit as a condition precedent to the construction, alteration, improvement, or repair of any building or structure shall also require as a condition precedent to the issuance of such permit a signed statement that the person who has prepared the plans and specifications for the construction, alteration,

improvement, or repair of such building or structure is certificated or registered under this chapter to prepare such plans and specifications, or is otherwise licensed in this state to prepare such plans and specifications.

The signature and registration number on such plans and specifications of a person who is certificated, registered or licensed to prepare such plans and specifications shall constitute compliance with this section.

It shall not be the responsibility of the agency that issues such permit to determine that the person who signed the plans and specifications or who submitted a signed statement that he is certificated or registered under this chapter, is qualified under this chapter to prepare such plans and specifications.

The provisions in this section shall not apply to the issuance of permits where the preparation of plans and specifications for the construction, alteration. improvement, or repair of a building or structure is exempt from the provisions of this chapter, except that the person preparing such plans and specifications for others shall sign such plans and specifications as provided by Section 5536.1.

CHAPTER 758

An act to add Sections 722 and 723 to the Harbors and Navigation Code, relating to registration of vessels.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 722 is added to the Harbors and Navigation Code, to read:

722. In the absence of the regularly required supporting evidence of ownership upon application for registration or transfer of a vessel, the department may accept an undertaking or bond in the amount of the fair market value of the vessel at the time of the application, as determined by the department, which shall be conditioned to protect the department and all officers and employees thereof and any subsequent purchaser of the vessel any person acquiring a lien or security interest thereon, or the successor in interest of such purchaser or person, against any loss or damage on account of any defect in or undisclosed claim upon the right, title, and interest of the applicant or other person in and to the vessel.

SEC. 2. Section 723 is added to the Harbors and Navigation Code, to read:

723. Any interested person shall have a right of action to recover on any such bond or undertaking for any breach of the conditions for which the same was deposited, but the aggre-

gate liability of the surety to all such persons shall in no event exceed the amount of the bond. In the event the vessel is no longer registered in this state and the currently valid certificate of ownership is surrendered to the department or the vessel has been destroyed or lost, the bond or undertaking shall be returned and surrendered after three years.

CHAPTER 759

An act to amend Section 25502 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 25502 of the Business and Professions Code is amended to read:

25502. No manufacturer, winegrower, manufacturer's agent, rectifier, distiller, bottler, importer, or wholesaler, or any officer, director, or agent of any such person, shall, except as authorized by this division:

(a) Hold the ownership, directly or indirectly, of any interest in an off-sale general license.

(b) Furnish, give, or lend any money or other thing of value, directly or indirectly, to, or guarantee the repayment of any loan or the fulfillment of any financial obligation of, any person engaged in operating, owning, or maintaining any off-sale general licensed premises.

(c) Own or control any interest, directly or indirectly, by stock ownership, interlocking directors, or trusteeship, in the business, furniture, fixtures, refrigeration equipment, signs, except signs for interior use mentioned in subdivision (g) of Section 25503, or lease in premises licensed with an off-sale general license.

(d) Own or control any interest, directly or indirectly, by stock ownership, interlocking directors, trusteeship, or mortgage of the realty upon which an off-sale general licensed premises is maintained.

Any wholesaler in counties not to exceed 15,000 population who holds both a beer and wine wholesaler's license and an off-sale general license and who held such licenses prior to September 19, 1947, may continue to hold such licenses or may transfer either or both licenses to another individual, individuals, partnership, corporation or other legal entity. Where both licenses are simultaneously transferred to an individual, individuals, partnership, corporation or other legal entity, the transfer shall be a person-to-person transfer only.

Nothing in this section prohibits any holder of a distilled spirits manufacturer's, manufacturer's agent's, rectifier's, or wholesaler's license, or any officer, employee, or representative of any such licensee, from acting as a trustee for any off-sale general licensee in any bankruptcy or other proceedings for the benefit of the creditors of the off-sale general licensee.

Nothing in this section shall alter, change, or otherwise affect, retroactively or prospectively, any of the rights or privileges granted to a winegrower or brandy manufacturer by Section 23362 of this code, or by any other provision of this division.

CHAPTER 760

An act to add Section 25934.2 to the Revenue and Taxation Code, relating to the Bank and Corporation Tax Law, to take effect immediately, tax levy.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 25934.2 is added to the Revenue and Taxation Code, to read:

25934.2. (a) If any taxpayer fails to pay the amount of tax required to be paid under Sections 25551 and 25553 by the date prescribed therein, then unless it is shown that the failure was due to reasonable cause and not willful neglect, a penalty of 5 percent of the total tax unpaid as of the date prescribed in Sections 25551 and 25553 shall be due and payable upon notice and demand from the Franchise Tax Board. The tender of a check or money order does not constitute payment of the tax for purposes of this section unless the check or money order is paid on presentment. In no case, however, may the penalty imposed under this section be less than five dollars ($5) or more than one thousand dollars ($1.000).

(b) If an underpayment of tax is subject to the imposition of a penalty under subdivision (a) of this section, as well as under Sections 25931 to 25935, inclusive, the penalty imposed under subdivision (a) of this section or the aggregate penalties imposed under Sections 25931 to 25935, inclusive, shall be assessed, whichever is greater.

(c) For purposes of this section, total tax unpaid means the amount of tax required to be shown on the return reduced by the amount of any part of the tax which was paid on or before the date prescribed for filing the return.

SEC. 2. The provisions of this act shall be applied to all returns with a due date on or after the effective date of this act.

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 761

An act to amend Sections 7026, 7045 and 7046 of, and to add Section 7027 to, the Business and Professions Code, relating to contractors.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 7026 of the Business and Professions Code is amended to read:

7026. The term contractor for the purposes of this chapter is synonymous with the term "builder" and, within the meaning of this chapter, a contractor is any person, who undertakes to or offers to undertake to or purports to have the capacity to undertake to or submits a bid to, or does himself or by or through others, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, parking facility, railroad, excavation or other structure, project, development or improvement, or to do any part thereof, including the erection of scaffolding or other structures or works in connection therewith or the installation of a mobilehome upon a mobilehome lot. The term contractor includes subcontractor and specialty contractor.

SEC. 2. Section 7027 is added to the Business and Professions Code, to read:

7027. For the purposes of this chapter,

(a) "Mobilehome" means a vehicle defined in Section 18008 of the Health and Safety Code.

(b) "Mobilehome lot" means an area defined in Section 18210 of the Health and Safety Code.

(c) "Mobilehome accessory building or structure" means a building or structure defined in Section 18010 of the Health and Safety Code.

SEC. 3. Section 7045 of the Business and Professions Code is amended to read:

7045. (a) Except as provided in subdivision (b) this chapter does not apply to the sale or installation of any finished products, materials or articles of merchandise, which do not become a fixed part of the structure, or shall it apply to a materialman or manufacturer furnishing finished products, materials, or articles of merchandise who does not install or contract for the installation of such items. The term "finished products" shall not include installed carpets.

(b) This chapter shall apply to the installation and erection of mobilehome accessory buildings and structures for which permits and inspections are required by Parts 2 (commencing with Section 18000) and 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code.

SEC. 4. Section 7046 of the Business and Professions Code is amended to read:

7046. (a) Except as provided in subdivision (b) this chapter does not apply to any construction, alteration, improvement or repair of personal property.

(b) This chapter shall apply to:

(1) The installation of a mobilehome upon a mobilehome lot.

(2) The installation and erection of mobilehome accessory buildings and structures for which permits and inspections are required by Parts 2 (commencing with Section 18000) and 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code.

CHAPTER 762

An act to add Chapter 6.5 (commencing with Section 51050) to Part 1 of Division 1 of Title 5 of the Government Code, relating to open-space easements.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 6.5 (commencing with Section 51050) is added to Part 1 of Division 1 of Title 5 of the Government Code, to read:

CHAPTER 6.5. OPEN-SPACE EASEMENTS

51050. Any city or county which has adopted a general plan may accept grants of open-space easements on privately owned lands lying within the city or county in the manner provided in this chapter.

51051. "Grant of an open-space easement" means a grant by an instrument whereby the owner relinquishes to the public, either in perpetuity or for a term of years, the right to construct improvements upon the land except as may be expressly reserved in the instrument and which contains a covenant with the city or county, running with the land, either in perpetuity or for a term of years, not to construct or permit the construction of any improvements, except as such right is expressly reserved in the instrument and except for public service facilities installed for the benefit of the land subject to such covenant or public service facilities installed pursuant to an authorization by the governing body of the city or county or the Public Utilities Commission.

Any such reservation shall be consistent with the purposes of this chapter or with the findings of the county or city pursuant to Section 51056 and shall not permit any action which will materially impair the open-space character of the land.

51052. For the purposes of this chapter, "owner" includes a lessee or trustee, if the expiration of the lease or trust occurs

at a time later than the expiration of the easement or any extension thereof.

51053. The execution and acceptance of an instrument described in Section 51051 shall constitute a dedication to the public of the open-space character of the lands for the term specified. Any such easement and covenant shall run for a term of not less than 20 years.

51054. An instrument described in Section 51051 may contain, and the city or county in appropriate cases may require that it contain, a covenant against the extraction of natural resources or other activities which may destroy the unique physical and scenic characteristics of the land or a covenant against the cutting of timber, trees and other natural growth, except as may be required for fire prevention, thinning, elimination of diseased growth and similar protective measures, or for the harvest of trees in a manner compatible with scenic purposes.

51055. No instrument described in Section 51051 shall be effective until it has been accepted by resolution of the governing body of the city or county and its acceptance endorsed thereon.

51056. No grant of an open-space easement shall be accepted by a city or county, unless the governing body, by resolution, finds:

(a) That the preservation of the land as open space is consistent with the general plan of the city and county; and

(b) That the preservation of the land as open space is in the best interest of the state, county, or city and is important to the public for the enjoyment of scenic beauty, for the use of natural resources, for recreation, or for the production of food or fiber and specifically because one or more of the following reasons exist:

(1) It is likely that at some time the public may acquire the land for a park or other public use.

(2) The land is unimproved and has scenic value to the public as viewed from a public highway or from public or private buildings.

(3) The retention of the land as open space will add to the amenities of living in adjoining or neighboring urbanized areas.

(4) The land lies in an area which in the public interest should remain rural in character and the retention of the land as open space will help preserve the rural character of the area.

(5) It is in the public interest that the land remain in its natural state, including the trees and other natural growth, as a means of preventing floods or because of its value as watershed.

(6) The land lies within an established scenic highway corridor.

(7) The land is valuable to the public as a wildlife preserve or sanctuary and the instrument contains appropriate covenants to that end.

(8) The public interest will otherwise be served in a manner recited in the resolution and consistent with the purposes of this subdivision and Article XXVIII of the Constitution of the State of California.

The resolution of the governing body shall establish a conclusive presumption that the conditions set forth in subdivisions (a) and (b) have been satisfied.

51057. The governing body of the city or county shall not accept any grant of an open-space easement until the matter has first been referred to the city or county planning department or planning commission and a report thereon has been received from the planning department or planning commission. Within 30 days after receiving the proposal to accept a grant of an open-space easement, the planning department or planning commission shall submit its report to the governing body. The governing body may extend the time for submitting such a report for an additional period not exceeding 30 days. The report shall contain a statement that the proposal is, or is not, consistent with the general plan of the jurisdiction.

51058. From and after the time when an open-space easement has been accepted by the city or county and its acceptance endorsed thereon, no building permit may be issued for any structure which would violate the easement and the city or county shall seek by appropriate proceedings an injunction against any threatened construction or other development or activity on the land which would violate the easement and shall seek a mandatory injunction requiring the removal of any structure erected in violation of the easement.

In the event the county or city fails to seek an injunction against any threatened construction or other development or activity on the land which would violate the easement or to seek a mandatory injunction requiring the removal of any structure erected in violation of the easement, or if the county or city should construct any structure or development or conduct or permit any activity in violation of the easement, the owner of any property within the county or city, or any resident thereof, may, by appropriate proceedings, seek such an injunction.

Nothing in this chapter shall limit the power of the state, or any department or agency thereof, or any county, city, school district, or any other local public district, agency or entity, or any other person authorized by law, to acquire land subject to an open-space easement by eminent domain.

51059. Upon the acceptance of any instrument creating an open-space easement the clerk of the governing body shall record the same in the office of the county recorder and file a copy thereof with the county assessor. From and after the time of such recordation such contract shall impart such notice

thereof to all persons as is afforded by the recording laws of this state.

51060. From time to time, the governing body of any city or county may accept an instrument whereby the term of any open-space easement is extended in the same manner as is provided for the acceptance of an instrument originally creating an open-space easement. Upon the acceptance thereof the same shall be recorded in the office of the county recorder and a copy thereof filed with the county assessor.

51061. The governing body of any city or county at any time may, by resolution, abandon an open-space easement, if it finds that no public purpose described in subdivision (b) of Section 51056 will be served any longer by keeping the land as open space. No resolution abandoning an open-space easement shall be finally adopted until the matter has been referred to the city or county planning commission, the commission has held a public hearing thereon and furnished a report on the matter to the governing body and the governing body has held at least one public hearing thereon after giving 30 days notice thereof by publication in accordance with Section 6061 of the Government Code, and by posting notice on the land.

Prior to approval of the resolution abandoning an open-space easement, the governing body shall direct the county assessor to assess the land, as if the easement did not exist, and to report such new assessed value to the governing body. As a condition of the abandonment of the easement, the owner shall pay to the county or city an amount equal to 50 percent of the new assessed value of the land; provided, however, that the governing body may waive all or any portion of such payment, if it finds that it is consistent with the public interest to do so.

51062. Upon the recording in the office of the county recorder of a certified copy of any resolution abandoning the open-space easement and reciting compliance with the provisions of Section 51061, the land subject thereto shall be deemed relieved of the easement and the covenants of the owner contained therein shall be deemed terminated.

51063. If any land or a portion thereof as to which any city or county has accepted an open-space easement is thereafter sought to be condemned for public use and the city or county received the easement as a gift without the payment of any compensation therefor, the easement shall terminate as of the time of the filing of the complaint in condemnation as to the land or portion thereof sought to be taken for public use, and the owner shall be entitled to such compensation for the taking as he would have been entitled to had the land not been burdened by the easement.

51064. The grant of an open-space easement executed and accepted in accordance with this chapter shall be deemed to be an enforceable restriction within the meaning of Article XXVIII of the Constitution of the State of California.

51065. Nothing in this chapter shall be deemed to prevent or restrict the right or power of any city or county to acquire by gift, purchase or otherwise scenic easements or other rights in property for the purpose of preserving open space or for any other purpose under any other provisions of law.

CHAPTER 763

An act to amend Sections 10053 and 11018.3 of, and to add Sections 11000.5, 11000.6, 11018.6, 11018.9, and 11024 to, the Business and Professions Code, relating to real estate.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds that sales of lots in certain subdivisions in areas of sparse population within the state have been made in some instances on the basis of an intensive promotional effort which has tended to obscure the highly speculative nature of such investments. The dangers to the public which may arise from such sales have been recognized by the United States Congress, and certain transactions will be regulated by the federal government under the newly enacted Interstate Land Sales Full Disclosure Act (15 U.S.C., Sec. 1701, et seq.). It is the purpose of the Legislature to protect the public by providing the Real Estate Commissioner with additional authority to provide that reasonable arrangements are made to assure completion and maintenance of certain subdivisions, and to further protect the public by either requiring advance delivery of the public report to purchasers of such subdivision lots or allowing such purchasers a limited time within which to rescind.

The Legislature further finds and declares that the purposes of this act will best be served by full and specific disclosure of factual data required by the final public report set forth to the degree possible in narrative terms understood by lay persons, and by controls over the issuance of those reports specified by this act, and that, further, due to the difficulties of defining the type of subdivision to be subject to the additional authority of the Real Estate Commissioner and the stigma which may attach to all subdivisions made subject to such regulation, no public report or other writing issued by the commissioner with respect to such subdivisions and intended for circulation to prospective purchasers or the general public shall characterize them by use of the term "promotional" or any similar distinguishing heading or form, provided that nothing in this section shall restrict the power of commissioner to factually disclose, comment, or describe the subdivision in the text of such public reports.

SEC. 1.5. Section 10053 of the Business and Professions Code is amended to read:

10053. The membership of the commission shall be composed of seven members, including the commissioner, each of whom shall have been for five years a real estate broker actively engaged in business as such in California; and two public members.

SEC. 2. Section 11000.5 is added to the Business and Professions Code, to read:

11000.5. A "land project" is a subdivision or subdivided lands within this state which satisfies all of the following conditions:

(a) The subdivision of subdivided lands contain 50 or more parcels of which any 50 are both

(1) Not improved with residential, industrial, commercial, or institutional buildings and

(2) Offered for sale, lease, or financing for purposes other than industrial, commercial, institutional, or commercial agricultural uses.

(b) The subdivision or subdivided lands are located in an area in which reside less than 1,500 registered voters within the subdivision or within two miles of the boundaries of the property described in the final public report.

(c) Not constituting a community apartment project as defined in Section 11004, a project consisting of condominiums as defined in Section 783 of the Civil Code, or a stock cooperative as defined in Section 11003.2.

For purposes of subdivision (a), lands owned or beneficially controlled by substantially the same entities or interests shall be deemed to be part of the same subdivided lands or subdivision.

SEC. 3. Section 11000.6 is added to the Business and Professions Code, to read:

11000.6. A subdivision which would otherwise be treated as a land project under Section 11000.5 shall not be so treated, if the subdivider submits evidence satisfactory to the commissioner that any one of the following conditions exists:

(a) All lots within the subdivision are to be offered for sale only to builders or developers.

(b) The lots are not to be offered by means of substantial direct mail advertising, and overall sales promotion costs in connection with the sales thereof are nominal. For the purposes of this section, sales promotion costs shall be deemed nominal if they include a conventional real estate brokerage commission which commission shall not exceed similar commissions for similar services in nonland projects in the area where such services are rendered or a comparable area as determined by the commissioner plus an allowance of not more than 10 percent of the projected selling price of all of the lots for overhead and advertising.

(c) Other characteristics of the subdivision render such treatment unnecessary in order to provide protection to the

public, as determined in accordance with reasonable regulations adopted by the commissioner to carry out the provisions of this chapter.

SEC. 4. Section 11018.3 of the Business and Professions Code is amended to read:

11018.3. Any subdivider objecting to the denial of a public report or to denial by the commissioner of exemption from special regulation pursuant to Section 11000.5 may, within 30 days after receipt of the order of denial, file a written request for a hearing. The commissioner shall hold the hearing within 20 days thereafter unless the party requesting the hearing shall have requested a postponement. If the hearing is not held within 20 days after request for a hearing is received plus the period of any such postponement or if a proposed decision is not rendered within 45 days after submission and an order adopting or rejecting such proposed decision is not issued within 15 days thereafter, the order of denial shall be rescinded and a public report issued.

SEC. 5. Section 11018.6 is added to the Business and Professions Code, to read:

11018.6. In addition to the other grounds for denial of a public report as set forth in this chapter, the commissioner shall not issue a public report on any land project within the purview of Section 11000.5 (as modified by Section 11000.6) until he finds that reasonable arrangements have been made to assure completion, maintenance, and financing of the total complex of improvements reflected in the subdivision offering made by the developer to be constructed by, or on behalf of, the developer or principally for the benefit of the subdivision offering, including, but not limited to, roads, utilities, community facilities, or other amenities included in the offering. In determining the reasonableness of such arrangements, the commissioner shall consider whether the probable continuing financial burden with respect to the financing of completion and maintenance of improvements within the subdivision bears a reasonable relationship to the value of the lots therein.

The provisions of this section shall not be applicable to a land project if all of the following conditions are satisfied:

(a) All such improvements set forth in the final public report, or in advertising utilized by the developer, or in both the final report and the advertising, including those not located within the boundaries of the subdivision, have been completed and fully paid for or a guaranty has been made of both payment of the full cost of construction of such improvements and completion thereof within 36 months from the date of issuance of the final public report, such guaranty to be made by the developer, in the form of either a cash deposit or a subdivision improvement bond for faithful performance, issued by a corporation authorized to transact surety business in this state.

(b) No lien or assessment shall be imposed upon any lot in the subdivision for payment of any cost of said construction.

(c) The developer has guaranteed the management, maintenance, operation, use, and preservation of each offsite improvement, other than from damage from causes other than the acts of the developer that are not insurable under the standard form of policy of fire and extended coverage insurance then in use in this state, until either five years have elapsed from the completion of construction thereof or until the improvement has been accepted for maintenance by the owners or an association of owners or a governmental entity, whichever shall first occur.

SEC. 6. Section 11018.9 is added to the Business and Professions Code, to read:

11018.9. Each subdivider of a land project or his successor in interest shall submit reports on or before the 10th day of each calendar quarter listing the names and addresses of all persons who had agreed to purchase a lot or parcel in the subdivision and who subsequently had withdrawn or attempted to withdraw from the agreement either by formal notification to the subdivider, by failure to make payments for a period of 90 days or more after the due date thereof, by claim of rescission or otherwise. The obligation to make such reports shall terminate on the earliest to occur of the following events:

(a) Thirteen months after execution of conveyances or contracts for the purchase and sale of 90 percent of the lots within the subdivision.

(b) Three years after the issuance of the public report with respect thereto.

The commissioner may, however, adopt reasonable regulations to carry out the provisions of this chapter, for extension of the obligation to make such reports where the requirements to do so would otherwise expire pursuant to subdivision (b) above.

SEC. 7. Section 11024 is added to the Business and Professions Code, to read:

11024. Any contract or agreement to purchase or lease a lot or parcel in a land project within the purview of Section 11000.5 (as modified by Section 11000.6) may be rescinded by the purchaser without cause of any kind by sending or delivering written notice of rescission by midnight of the second calendar day following the day on which the purchaser or prospective purchaser has received and executed a receipt for a copy of the public report applicable thereto. The subdivider shall clearly and conspicuously disclose, in accordance with regulations adopted by the commissioner, the right to rescind provided for in this section and shall provide, in accordance with regulations adopted by the commissioner, an adequate opportunity to exercise the right to rescission provided for herein within the time limit set forth above. Any certificate signed by the purchaser or lessee which sets forth a brief description of the property sold or leased and a statement that

the purchaser or lessee has not exercised the right of rescission as provided for in this section within the time limit above set forth shall be conclusive evidence of its contents in favor of any third party acting in good faith and in reliance thereon. A signed receipt for a public report shall be conclusive evidence of the receipt of such final report on the date recited therein in favor of any third party who relies thereon in good faith and without notice of any inaccuracy therein. The remedy granted under this section shall not be cumulative with any remedy granted and exercised under the Interstate Land Sales Full Disclosure Act (15 U.S.C., Sec. 1701, et seq.) or any other federal act pursuant to which the purchaser or party contracting with respect to a lot in a land project may have a right of rescission.

SEC. 8. This act shall become operative on January 2, 1970. Section 5 of this act shall not be applicable to subdivisions on which final public reports were issued prior to the operative date of this act and Sections 6 and 7 of this act shall not be applicable to conveyances of or contracts for the purchase and sale of lots, which conveyances are made or which contracts are executed prior to the effective date of this act.

CHAPTER 764

An act to amend Section 683 of the Harbors and Navigation Code, relating to vessels.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. 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.

The department, upon receiving notice of the abandonment of an undocumented vessel, or upon an official determination that an undocumented vessel has been abandoned, may order the destruction of such vessel at the expiration of 30 days if an investigation by the department has disclosed that no owner, legal owner, or lienholder claims an interest in such vessel, or if such persons have waived their interest. Nothing in this section shall be construed to deny the legal rights, otherwise provided for by law, of any person claiming an interest in an abandoned vessel if such person notifies the department within the time specified therefor.

CHAPTER 765

An act to amend Section 2137.1 of the Business and Professions Code, relating to physicians and surgeons, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 2137.1 of the Business and Professions Code is amended to read:

2137.1. Subject to the provisions of the State Civil Service Act, any person who is licensed to practice medicine in any other state, meets the requirements for application as set forth in Section 2190, and who complies with each and all of the requirements of Section 2147.5 with respect to registration with the board and graduation from a school approved by the board, may be appointed to a medical staff within a state institution and, under supervision of a licensed physician and surgeon, may treat persons under the jurisdiction of any such state institution for a period not exceeding two years; provided, that qualified physicians and surgeons cannot be recruited in the State of California. At the end of such time he must have secured a physician's and surgeon's certificate in order to continue as a member of such medical staff. Until such person has obtained a physician's and surgeon's certificate he shall not engage in the practice of medicine and surgery in this state except to the extent expressly herein permitted. No person appointed pursuant to this section shall be employed in any state institution or institutions for a period in excess of two years from the date such person was first employed and such appointment shall not be extended beyond such two-year period.

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:

Between one-half and one-third of the physicians employed by the state to care for mentally disordered and mentally retarded persons in state hospitals are recruited from other states and obtain a California license to practice medicine while employed at a state hospital under the section amended by this act. In order to prevent a disruption of medical services to state hospital patients, it is necessary that this act take effect immediately.

CHAPTER 766

An act to amend Section 5843.5 of the Streets and Highways Code, relating to street lighting.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 5843.5 of the Streets and Highways Code is amended to read:

5843.5. Notwithstanding any other provisions of this chapter, the board of supervisors, upon its own motion or upon receipt of a petition signed by 20 or more taxpayers of an existing lighting maintenance district asking for the installation and maintenance of additional lights, may, by order entered upon its minutes, make the expenses of the installation and maintenance of the additional lights a charge upon the existing district if the board determines that it will be just and equitable, and in the public interest for the additional cost, if any, to be paid by the district as a whole. If sufficient funds are available or will be available from a tax levy already made or after the tax levy has been made, the board may proceed with the installation of the additional lights.

CHAPTER 767

An act to amend Sections 31695.2, 31703, 31812, and 31815 of, and to add Section 31808.6 to, the Government Code, relating to county retirement systems, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 31695.2 of the Government Code is amended to read:

31695.2. All eligible employees may elect to be included within the safety member provisions of this chapter by written notice filed with the board not later than 60 days from and after the effective date of the approval of the board of supervisors of the provisions of this article, or within 60 days from and after the effective date of a selection of benefits by the board of supervisors under Section 31808.6, whichever is later.

SEC. 2. Section 31703 of the Government Code is amended to read:

31703. Any member upon the effective date of his deferred retirement allowance is entitled to receive a retirement allowance as provided in Sections 31673 to 31677, inclusive, or Section 31808.5, or Section 31808.6, whichever is applicable.

SEC. 3. Section 31808.6 is added to the Government Code, to read:

31808.6. Notwithstanding any other provisions of law, in any county or district first subject to the provisions of Section 31676.1 or 31695.1 on or after July 1, 1969, having members performing the duties of safety members as defined in Sections 31470.2 and 31470.4, if the board of supervisors adopts this section and as to such members adopts or has already adopted the provisions of this article, then the retirement allowance of such safety members shall be computed according to either the provisions of subdivision (a) or subdivision (b) of this section as selected by the board of supervisors.

(a) The retirement allowance for service rendered prior to the effective date of the resolution provided in Section 31800 shall be computed in accordance with the provisions of Section 31664.01. The retirement allowance of any such safety member with respect to service performed after the effective date of the resolution shall equal the total of the following:

(1) The fraction of one seventy-fifth of the first three hundred fifty dollars ($350) monthly of the member's final compensation set forth in the table appearing in Section 31664.01 in the column applicable to his age at retirement taken to the preceding completed quarter year multiplied by the number of years of creditable service as provided therein.

(2) The fraction of one-fiftieth of any remaining portion of the member's final compensation set forth in the table appearing in Section 31664.01 in the column applicable to his age at retirement taken to the preceding completed quarter year multiplied by the number of years of creditable service; or

(b) The retirement allowance shall be computed according to the provisions of Section 31664.01 and federal old age and survivors' insurance coverage shall be on an additive or supplemental basis.

Notwithstanding any other provision of law, in counties which have adopted the provisions of this section and have voted to apply the provisions of this chapter relating to safety members as provided by Section 31695.1, the retirement benefits as well as the contributions of eligible members subject to this article who do not elect pursuant to Section 31695.2 to come under the safety member provisions of this chapter, shall be the same as the retirement benefits and contributions of members other than safety members in the county.

The retirement allowance for any safety member who is not subject to this article shall be computed in accordance with the provisions of Section 31664.01.

Any member who becomes a safety member after the effective date of the selection of the method of computing the retirement allowance by the board of supervisors shall be subject to such selection and to the provisions of this article.

Any member subject to the above selection made by the board of supervisors may elect deferred retirement pursuant to Article 9 (commencing with Section 31700) of this chapter.

SEC. 4 Section 31812 of the Government Code is amended to read:

31812. Each member shall continue to contribute as provided for in Article 6 or (in case of those members defined in Sections 31470.2, 31470.4 and 31470.6) Article 6.8 of this chapter less an amount equal to one-third of that portion of such contribution which is payable with respect to the first three hundred fifty dollars ($350) monthly wage, or in counties where the board of supervisors pursuant to subdivision (b) of Section 31808.6 elects to compute the retirement allowance of safety members according to the provisions of Section 31664 01, each safety member shall make contributions as provided for in Article 6.8 of this chapter with respect to all of his monthly wage.

SEC. 5. Section 31815 of the Government Code is amended to read:

31815. Any member who elects deferred retirement after becoming subject to the provision of this article shall receive a retirement allowance determined in accordance with Section 31808, 31808.1, 31808.6, or 31809, whichever is applicable.

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:

It is necessary that this measure take effect immediately in order to eliminate uncertainties as to the consequences of Sections 31676.1 and 31695.1 of the Government Code in counties coming under the provisions of either of those sections for the first time as of July 1, 1969, or later and to improve the public service in those counties by enabling employees therein subject to the 1937 County Employees' Retirement Law to know with more certainty the nature and extent of their rights and obligations under their retirement system.

Certain counties are considering the implementation of said sections as of July 1, 1969, in order to give employees greater retirement benefits, but such counties are reluctant to do so because of uncertainties as to the consequences of such action under present law. Unless this act is passed as an urgency measure a delay in the implementation of said sections will result to the detriment of the public service.

CHAPTER 768

An act to amend Sections 6080 and 6084 of the Harbors and Navigation Code, relating to harbor district public projects.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 6080 of the Harbors and Navigation Code is amended to read:

6080. All work authorized to be done under this part, exceeding in cost the sum of three thousand five hundred dollars ($3,500), shall be awarded upon competitive bidding. Notice of the proposed letting of such a contract shall be given by advertisement for a period of two weeks, in a newspaper of general circulation, published, printed and circulated in the district. The contract shall be awarded to the lowest responsible bidder.

The board may, without advertising for bids, negotiate with the government of the United States for the purpose of assisting the board in the performance of any of the work authorized by this part, and the board may contribute to the United States all or any portion of the estimated cost of any work authorized by this part which is to be done by or under contract with the United States.

SEC. 2. Section 6084 of the Harbors and Navigation Code is amended to read:

6084. Notwithstanding any other provision of this part, the board may borrow money by issuance of promissory notes, or execute conditional sales contracts to purchase personal property, in an amount or of a value not exceeding in the aggregate at any one time the sum of five hundred thousand dollars ($500,000), for the purposes of constructing or operating any work, project, or facility authorized by subdivision (d) of Section 6012 or Section 6075 or for the making of improvements or the purchase of equipment or for the maintenance thereof.

All moneys borrowed pursuant to this section shall not be borrowed for a term exceeding five years, and said indebtednesses shall not incur a rate of interest in excess of six percent (6%) per annum. Each such indebtedness shall be authorized by a resolution of the board of commissioners unanimously adopted.

As a condition precedent to the borrowing of any money or the execution of any conditional sales contract, as provided in this section, in excess of twenty-five thousand dollars ($25,000), the board shall first unanimously approve by resolution and have on file a report on the engineering and economic feasibility relating to the project contemplated for the expenditure of said borrowed money or conditional sales contract. Said

feasibility report shall be prepared and signed by an engineer or engineers licensed and registered under the laws of the State of California.

The district shall budget, levy and collect taxes, and pay for all such indebtedness without limitation by any other provision of this part.

CHAPTER 769

An act to amend Sections 15 and 46 of the Fresno Metropolitan Flood Control Act (Chapter 503 of the Statutes of 1955), relating to the Fresno Metropolitan Flood Control District, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 15 of the Fresno Metropolitan Flood Control Act (Chapter 503 of the Statutes of 1955) is amended to read:

Sec. 15. The district may incur a bonded indebtedness for the acquisition and construction of flood control works (including the acquisition of easements and property) to provide for (a) the control of flood, storm or waste waters of or within said district or which flow or drain into or through said district; (b) protection from damage by flood, storm or waste waters of highways and private and public property within the district; and (c) the conservation of flood, storm and waste waters for beneficial and useful purposes. The election therefor shall be called by resolution, and the resolution shall state the amount of the principal of the indebtedness proposed to be incurred for said purposes, the maximum rate of interest to be paid on said indebtedness (which shall not exceed 7 percent per annum), the manner of holding such election and of voting for or against the incurring of such indebtedness. In all particulars not recited in such resolution the election shall be held as provided by law for holding general county elections in the County of Fresno.

SEC. 2. Section 46 of the Fresno Metropolitan Flood Control Act (Chapter 503 of the Statutes of 1955) is amended to read:

Sec. 46. (a) The board, by resolution thereof, adopted from time to time, may establish zones within said district, setting forth in such resolutions descriptions of the zones by metes and bounds and entitling said zones by zone number, and institute zone projects for the specific benefit of such zones.

Proceedings for the establishment of such zones may be conducted concurrently with and as a part of proceedings for the

instituting of projects relating to such zones, which proceedings shall be taken and had in the manner prescribed in subdivision (b) of this act.

(b) The board may institute projects for single zones and joint projects for two or more zones, for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement authorized by this act and of common benefit to such zone or participating zones. For the purpose of acquiring authority to proceed with any such project, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimates of the cost of the project to be borne by the particular zone and, in the case of participating zones, the proportionate cost to be borne by each of the participating zones and fixing a time and place for public hearing of said resolution and which shall refer to a map or maps showing the general location and general construction of said project. Notice of such hearing shall be given by publication pursuant to Section 6066 of the Government Code in a newspaper of general circulation in such zone or each of said participating zones, if there be such a newspaper, and if there be no such newspaper then by posting notice for two consecutive weeks prior to said hearing in five public places designated by the board, in such zone or in each of said participating zones. Said notice must designate a public place in such zone or in each of said participating zones where a copy or copies of the map or maps of said joint project may be seen by any interested person; said map must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.

At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board shall consider all written and oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon the proposed project or proceed with the same, unless, prior to the conclusion of said hearing, a written protest against the proposed project signed by a holder or holders of title to the real property, or assessable rights therein, or evidence of title thereto, representing one-half or more of the assessed valuation of the real property within such zone or within any of the participating zones for which said project was initiated, be filed with the board and not withdrawn, in which event said proceedings shall be terminated and no new proceeding contemplating projects of the same zone or zones shall be commenced within a period of six months following the date of such termination.

In all matters in this section referred to, the last equalized assessment roll of the County of Fresno next preceding the filing of the protest shall be prima facie evidence as to the ownership of real property, the names and number of the persons who are the holders of title or evidence of title, or assessable rights therein, and as to the assessed valuation of real

property within the zone or within any of the participating zones for which the project was initiated.

Executors, administrators, special administrators and guardians may sign the protest provided for in this act on behalf of the estate represented by them. If the property is assessed in the name of such representatives, that fact shall establish the right of such representatives to sign the protest; if assessed in the name of the decedent, minor or incompetent person, certified copies of the letters or such other evidence as may be satisfactory to the board must be produced.

Where real property appears to be owned in common or jointly or by a partnership, or where letters of representatives of decedents, minors or guardians are joint, any one of the owners or representatives or partners may sign the protest for all joint owners or representatives or partners; provided, the party claiming the right to protest for all produces the written consent of his co-owners or representatives or partners so to do; provided, further, that where real property appears to be owned in common or jointly by husband and wife either may sign the protest without the written consent of the other.

Where real property is assessed in the name of a trustee or trustees, such trustee or trustees shall be deemed to be the person entitled to sign the protest, and if assessed in the name of more than one trustee the right to sign the protest shall be determined in like manner as above provided with respect to coowners.

The protest of any public or quasi-public corporation, private corporation or unincorporated association, may be signed by any person authorized by the board of directors or trustees or other managing body thereof, which authorization shall be in writing; and a proxy executed by an officer or officers thereof, attested by its seal, shall constitute sufficient evidence of such authority, and shall be filed with the board.

The owner of any real property or interest therein, appearing upon the assessment roll, which has been assessed in the wrong name or to unknown owners, or which has passed from the owner appearing as such on the last equalized assessment roll, since the same was made, shall be entitled to sign the protest represented thereby, either by the production of a proxy from such former owner, or by furnishing evidence of his ownership by a conveyance duly acknowledged showing the title to be vested in the person claiming the right to sign the protest, accompanied by a certificate of a competent searcher of titles, certifying that a search of the official records of the county, since the date of the conveyance, discloses no conveyance or transfer out from the grantee or transferee named in the conveyance.

Where the real property has been contracted to be sold, the vendee shall be entitled to sign the protest, unless such real property is assessed in the name of the vendor, in which event the vendor shall be entitled to so do.

The board shall likewise be entitled to inquire and take evidence for the purpose of identifying any person claiming the right to sign the protest as being the person shown on the assessment roll or otherwise as entitled thereto. And, unless satisfactory evidence is furnished, the right to sign said protest may be denied.

(c) The procedure for authorizing bonds shall be as follows:

(1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zones, the board may by resolution determine and declare the respective amounts of bonds necessary to be issued in each zone in order to raise the amount of money necessary for each work or improvement and the denomination and the maximum rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by the secretary, to be filed for record in the office of the Recorder of Fresno County within five (5) days after its issuance. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

(2) After the filing for record of the resolution specified in (1) of this subdivision the board may call a special bond election in said zone or participating zones at which shall be submitted to the qualified electors of said zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual assessment taxes levied as provided in this act.

(3) Said board shall call such special bond election by resolution and submit to the qualified electors of said zone or participating zones the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of the resolution specified in paragraph (1) of this subdivision, and on file for particulars; and said resolution shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed seven percent (7%) per annum. For the purposes of said election, said board shall in said resolution establish special bond election precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in said district to a number not

exceeding six general precincts for each such special bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such special bond election precincts.

In all particulars not recited in said resolution, such special bond election shall be held as nearly as practicable in conformity with the general election laws of the state.

Said board shall cause a map or maps to be prepared covering a general description of the work to be done, which said map shall show the location of the proposed works and improvements and shall cause the said map to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

The resolution calling for such special bond election shall, prior to the date set for such election, be published in a newspaper of general circulation circulated in each zone and participating zone affected for six consecutive times, if published in a daily newspaper of general circulation, or two times, if published in a weekly newspaper of general circulation. The last publication of such resolution must be at least fourteen (14) days before said election, and if there be no such newspaper, then such resolution shall be posted in five public places, designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. Where a project affects a single zone only, if at such election a majority of the votes cast in said zone on the proposition of incurring a bonded indebtedness are in favor thereof, then bonds for such zone for the amount stated in such proceedings shall be issued and sold as in this act provided. Where the incurring of bonded indebtedness by participating zones is to be determined at such election, no bonds for any of such participating zones shall be issued or sold unless a majority of the votes cast on the proposition in each such participating zone are in favor of incurring the bonded indebtedness to be undertaken by such zone.

(d) The board shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, which must include a designation of the zone or participating zone affected, and of the interest coupons attached thereto. Said bonds shall be payable, annually or semiannually at the discretion of the board, each and every year on a day and date, and at a place, to be fixed by said board and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

The board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each

series. The bonds of one series may be made payable at different times from those of any other series. The maturity of each series shall comply with this section. The board may fix a date, not more than two years from the date of issuance, for the earliest maturity of each issue or series of bonds. The final maturity date shall not exceed 40 years from the time of incurring the indebtedness evidenced by each issue or series.

The bonds shall be issued in such denomination as the board may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100), nor of a greater denomination than five thousand dollars ($5,000), and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of seven per centum (7%) per annum, and shall be made payable annually or semiannually, and said bonds shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the secretary of said district, and the seal of said district shall be affixed thereto by said secretary. Either or both of such signatures may be printed, engraved or lithographed. The interest coupons of said bonds shall be numbered consecutively and signed by the said secretary by his printed, engraved or lithographed signature. In case any such officers whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officers before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officers had remained in office until the delivery of the bonds.

(e) The board may issue and sell the bonds of any such zones authorized as hereinbefore provided at not less than par value, and the proceeds of the sale of such bonds shall be placed in the treasury of the County of Fresno to the credit of said district and the respective participating zones thereof, for the uses and purposes of the zone or zones voting said bonds; and the proper record of such transactions shall be placed upon the books of said county treasurer, and said respective zone funds shall be applied exclusively to the purposes and objects mentioned in the resolution calling for such special bond election as aforesaid, subject to the provisions in this act contained. Payments from said zone funds shall be made upon demands prepared, presented, allowed and audited in the same manner as demands upon the funds of the County of Fresno.

(f) Any bonds issued under the provisions of this act, and the interest thereon, shall be paid by revenue derived from an annual tax consisting of a levy or assessment upon all real property within a zone or participating zones, including both land and improvements thereon.

(g) The board shall levy an assessment each year sufficient to pay the interest and such portion of the principal of said

bonds as is due or to become due before the time for making the next general assessment tax levy. Such assessment taxes shall be levied and collected in the respective zones of issuance together with and not separately from taxes for county purposes, and when collected shall be paid into the county treasury of said Fresno County to the credit of the zone of issuance, and be used for the payment of the principal and interest on said bonds and for no other purpose. The principal and interest on said bonds shall be paid by the county treasurer of said Fresno County in the manner provided by law for the payment of principal and interest on bonds of said county.

(h) The provisions of law of this state, prescribing the time and manner of levying, assessing, equalizing and collecting county property taxes, including the sale of property for delinquency and the redemption from such sale, and the duties of the several county officers with respect thereto, are, so far as they are applicable, and not in conflict with the specific provisions of this act, hereby adopted and made a part hereof.

(i) The bonds of the district issued for any zone thereof pursuant to this act, shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and for the state school funds, and whenever any money or funds may by law now or hereafter enacted be invested in bonds of cities, cities and counties, counties, school districts or municipalities in the State of California, such money or funds may be invested in the said bonds of said district issued in accordance with the provisions of this act, and whenever bonds of cities, cities and counties, counties, school districts or municipalities, may by any law now or hereafter enacted be used as security for the performance of any act, such bonds of said district may be so used.

This section of this act is intended to be and shall be considered the latest enactment with respect to the matters herein contained and any and all acts or parts of acts in conflict with the provisions hereof are hereby repealed.

(j) All bonds issued by said district under the provisions of this act shall be free and exempt from all taxation within the State of California. It is hereby declared that the district organized by this act is a reclamation district and an irrigation district within the meaning of Section 1¾ of Article XIII and Section 13 of Article XI of the Constitution of this state.

(k) The repeal or amendment of this act shall not in any way affect or release any of the property in said district or any zone thereof from the obligations of any outstanding bonds or indebtedness until all such bonds and outstanding indebtedness have been fully paid and discharged.

(*l*) Notwithstanding any provisions of this act to the contrary, in the event the proceeds from the sale of bonds of any zone are invested temporarily in United States bonds, notes,

or certificates of indebtedness, or in other legal investments pending the expenditure of said funds for the purpose or purposes for which said indebtedness was incurred, any revenue or interest received or accruing therefrom may be used to pay the annual or semiannual installments of principal and/or interest on said bonds as same become due.

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:

An increase in the permissible interest rate on bonds of the Fresno Metropolitan Flood Control District is necessary in order to permit such bonds to be sold under present bond market conditions. Funds from such bonds are needed to insure the acquisition and construction of flood control works necessary for the preservation of the public peace, health, or safety of the residents of the district. In order to insure that such projects may be completed at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 770

An act to amend Section 10602.5 of, and to add Section 5302.6 to, and to add Chapter 4.5 (commencing with Section 6468) to Part 5, Division 7 of, the Streets and Highway Code, relating to assessments on public property.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 5302.6 is added to the Streets and Highways Code, to read:

5302.6. As an alternative method to that method provided in Sections 5302.5 and 6467, for financing unpaid assessments against publicly owned property, as such property is defined in Section 5301, bonds may be issued to represent unpaid assessments against such public property. Bonds shall be issued in the manner and form as provided for in Chapter 4.5 (commencing with Section 6468), Part 5 of this division. The holders of such bonds and each individual holder of such bonds shall have all of the rights set forth for the holder of an assessment under Section 5302.5 and that of the owner of a certificate to represent assessment against public property as provided for in this code and other rights as provided by the provisions of Chapter 4.5 (commencing with Section 6468), Part 5 of this division. If bonds are to be issued to represent assessments against publicly owned property, it may be set forth by resolution of the legislative body of the entity con-

ducting the proceedings at any time prior to the levy of assessment in the proceedings.

SEC. 2. Chapter 4.5 (commencing with Section 6468) is added to Part 5, Division 7 of the Streets and Highways Code, to read:

CHAPTER 4.5. ISSUANCE OF BONDS TO REPRESENT UNPAID ASSESSMENTS AGAINST PUBLICLY OWNED PROPERTY

6468. As an alternative to the method of collecting unpaid assessments against publicly owned property, as provided in Section 5302.5 of this code, and as an alternative to the issuance of the certificate provided in Section 6467, the legislative body may elect to have bonds issued to represent assessments against publicly owned property as authorized in Section 5302.6 and as authorized in this chapter.

Said bonds shall be substantially in the following form:

STREET IMPROVEMENT BOND

Series (designating it), in the City (or County) of (naming it)

$_____ No._____
(Assessment number)

This bond is issued under and by virtue of the provisions of the Improvement Act of 1911 (Division 7 (commencing with Section 5000) of the Streets and Highways Code) Municipal Improvement Act of 1913, (Division 12 (commencing with Section 10000) of the Streets and Highways Code), payable out of the redemption fund for the payment of bonds issued to represent the unpaid assessments against publicly owned property hereinafter designated.

This bond is issued to represent the cost of certain public improvements benefiting public property, which said property is more fully described as assessment number(s) _____ in an assessment issued by the street superintendent of said _____ and recorded in his office.

Said assessment was levied on the _____ day of _____ 19 _, in an assessment district known and described as "_____"; notice thereof was recorded in the office of the County Recorder of the County of _____, on the _____ day of _____ 19__.

This bond is one of several annual series of bonds of like date, tenor and effect, but differing in amounts and maturities, issued by said city (or county) under said law for the purpose of providing means for paying for the work and improvements described in the resolution of intention in the assessment district proceedings hereinabove referred to, and to represent an unpaid assessment against publicy owned property. It is secured by the moneys in said redemption fund

and by the unpaid amount of said assessment against said publicly owned property, and, including principal and interest is payable exclusively from said redemption fund and neither the (here insert city or county) nor any officer thereof is to be liable for payment otherwise.

The Treasurer of the City of _____ will on the second day of June 19__, solely out of said redemption fund pay to bearer the sum of _____ dollars ($00.00) with interest thereon from the _____ day of _____ 19__ at the rate of _____ percent per annum, all as herein specified and at the office of the treasurer of said city.

The interest is payable semiannually, to wit: on the second day of December and June of each fiscal year after the date of this bond, upon presentation of the proper coupons therefor; provided, that the first of said coupons is for interest to the second day of December, 19__, and thereafter the interest coupons are for the semiannual interest. This bond will continue to bear interest after maturity at the rate above stated; provided, it is presented at maturity and payment thereof is refused upon the sole ground that there is not sufficient moneys in said redemption fund with which to pay same. If it is not presented at maturity interest thereon will run until maturity.

The officer or board whose duty it is to levy taxes for the public property so assessed, is obligated to include in the next tax levy an amount, in addition to moneys for all other purposes, to pay the principal and interest falling due on this bond and is obligated to include in each succeeding tax levy during the life of the bonds, in addition to moneys for all other purposes, the amount necessary to pay the principal and interest falling due in each succeeding year of the life of the bond until the principal of the bond and all interest on the unpaid portions thereof shall be paid. The tax levy shall be made notwithstanding that said tax levy exceeds the maximum tax rate that may otherwise be imposed by law.

In the event that the officer or board whose duty it is to levy taxes to pay for said assessments fails to provide for a tax levy to pay and discharge the principal of the assessment and the interest thereon, the owner of this bond may compel the levy thereof in the manner hereinafter set forth by writ of mandate. The writ of mandate shall include the right to compel the levy of an amount sufficient to pay principal and interest on all bonds issued to represent the same assessment.

The owner of this bond may use mandamus or other appropriate remedy to compel the officer or board, whose duty it is to levy taxes for said obligated owner, to levy an amount in a given year equal to the amount necessary to pay principal and interest on the unpaid portion of this bond and may continue to use mandamus or other remedy to cause a like amount of principal and interest to be levied each year until the whole of the assessment and this bond and all interest thereon has been paid.

If the owner of this bond is successful in any action to compel the levy of the tax under this bond he shall be awarded reasonable attorneys' fees as fixed by the court, and costs, and said attorneys' fees and costs shall be included in the tax levied to pay the same.

This bond may be redeemed and paid in advance of maturity upon the second day of December or June in any year by giving notice in the manner provided for giving of notice for redemption of bonds under the provisions of the Improvement Bond Act of 1915. No premium will be paid upon redemption.

In witness whereof, said _____ has caused this bond to be signed by its treasurer and by its clerk and has affixed thereto its corporate seal all on the _____ day of _____, 19__.

_____

Treasurer

_____

Clerk

6468.1. 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 June every year beginning with the fiscal year next following the date of the bonds until all are 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.

Interest shall be payable semiannually by coupon, on the second day of December and June, respectively, of each year a principal payment accrues. If no bonds are to be issued in the assessment district proceedings other than bonds to represent unpaid assessments against publicly owned property, the bonds shall bear such date as may be determined by the legislative body conducting the proceedings. The bonds will continue to bear interest after maturity at the rate stated; provided, they are presented at maturity and payment thereof is refused upon the sole ground that there is not sufficient moneys in said redemption fund with which to pay same. If they are not presented at maturity interest thereon will run until maturity.

6468.2. The legislative body may by resolution establish the denomination of the bonds, the amount to mature each year and provide for the issuance of the bonds.

6468.3. The final series of installments of the bonds shall mature and be payable on a date which shall not exceed 24 years from that second day of June which represents the maturity of the first series of bonds.

6468.4. The treasurer shall keep a separate redemption fund, properly designated, into which he shall place all sums

received by him from the collection of the assessments against public property for bonds issued under the provisions of this chapter and for interest and penalties thereon and from which fund he shall disburse and pay the bonds and the interest due thereon upon presentation of the proper bonds and coupons. Under no circumstances shall the bonds or the interest thereon be paid out of any other fund.

6468.5. Sections 8653, 8654, 8655, 8670, 8672, 8673 and 8851 of this code are applicable to bonds issued under the provisions of this chapter.

6468.6. The bonds shall be payable at the office of the treasurer of the city conducting the proceedings. At least 30 days prior to the first day of July of each and every year after the date of the bonds, until the bonds are paid in full, the treasurer shall mail postage prepaid to the entity whose obligation it is to levy a tax to pay the amount of principal and interest falling due each year, a notice of the amount due in the next succeeding fiscal year, the date when payments are due upon the bonds, and that payment shall be made to the city conducting the proceedings by the entity obligated to levy the tax to make the payments due thereon at least 30 days prior to the due date of any installment of principal or interest upon said bonds. Failure of the treasurer to notify the entity obligated to make payment shall not affect the obligation of the entity, whose duty it is to make such payment, to make payment thereof as required by Section 5302.5 of this code. The treasurer shall place the funds in the redemption fund for the payment of such bonds, and interest thereon, such redemption fund to be separate from all other funds and to be used solely for said purpose until the interest thereon and the bonds are paid in full.

6468.7. In the event that the public entity owning the property against which the assessment has been levied, and which is represented by the bonds authorized in this chapter, shall sell the property prior to the maturity and payment in full of all of the bonds representing such assessment, then all of the outstanding bonds shall be immediately payable in full together with the accrued interest thereon not later than sixty (60) days from the date of sale without premium. Interest shall be payable to the date of designated payment and the owner of the bonds, as the owner appears upon the records of the treasurer, shall be given written notice of such payment at his last known address or, if not known, at general delivery. Interest upon said bonds shall cease and terminate at the date designated for payment thereof in full, provided funds for the payment of all such principal and interest to such date have been paid into the proper redemption fund therefor and are available for such payment.

SEC. 3. Section 10602.5 of the Streets and Highways Code is amended to read:

10602.5. When the resolution of intention provides that bonds shall be issued under the Improvement Act of 1911

or the Improvement Bond Act of 1915, and when the assessment has been duly confirmed pursuant to Section 10312, and when the assessment contains an assessment on public property which is subject to assessment pursuant to Section 10206 including, notwithstanding any other provisions of law, public property owned by the city, county or other entity conducting the proceeding, the legislative body may sell such assessment in the same manner and at the same time as provided in Section 10602. The proceeds of the sale shall be deposited in the fund specified in Section 10424.

The buyer of such an assessment shall, upon paying the purchase price, become the owner of the assessment and shall be entitled to exercise all the rights that an owner of an assessment has under Section 5302.5.

If bonds or certificates are to be issued to represent any assessment or assessments against public property, the legislative body of the entity conducting the proceedings may sell such bonds or certificates in the same manner and at the same time as provided in Section 10602. The proceeds of the sale shall be deposited in the fund specified in Section 10424.

The buyer of such bonds and of each individual bond shall become an owner of the assessment and shall be entitled to exercise all of the rights of an owner of an assessment under Section 5302.5 and of a bondholder as provided in Section 5302.6 and Chapter 4.5 (commencing with Section 6468) of Part 5 of Division 7.

The buyer of each certificate shall become the owner of the assessment and shall be entitled to exercise all of the rights of an owner of an assessment under Section 5302.5 and of a certificate holder as provided in Section 6467.

CHAPTER 771

An act to amend Section 8650 of, to repeal Section 8650.1 of, and to add Sections 8650.1 and 8751.5 to, the Streets and Highways Code, relating to maturity of bonds.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 8650 of the Streets and Highways Code is amended to read:

8650. Except as the legislative body shall provide otherwise under Section 8650.1, 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.

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. 2. Section 8650.1 of the Streets and Highways Code is repealed.

SEC. 3. Section 8650.1 is added to the Streets and Highways Code, to read:

8650.1. The legislative body in its discretion may determine, either (a) in the resolution of intention describing the improvement work, or (b) thereafter in the change proceedings taken under and in accordance with the provisions of the same act under which the resolution of intention was adopted, that the principal amount of the bonds maturing each year shall be other than an amount equal to an even annual proportion of the aggregate principal of the bonds, and it may determine that the amount of principal maturing in each year plus the amount of interest payable in that year will be an aggregate amount that is equal each year, except for the moneys falling due on the first series of the bonds which shall be adjusted to reflect the amount of interest earned from the date when the bonds bear interest to the date when the first interest is payable on the bonds; or it may make such other determination of the amount of the aggregate principal of the bonds that shall fall due in a year as it shall choose.

The legislative body in its discretion may determine in like manner to classify assessments into different terms of maturity so that smaller assessments may be made to mature over a shorter period of time and in such event, the bond declaration in the resolution of intention, or in the change proceedings taken under and in accordance with the provisions of the same act under which the resolution of intention was adopted, in the assessment, and in the notice of recording the assessment may recite that the last installment of bonds shall mature a maximum rather than an exact number of years from the second day of July next succeeding 10 months from their date.

SEC. 4. Section 8751.5 is added to the Streets and Highways Code, to read:

8751.5. In the event the treasurer receives for payment any interest coupon from a bond for which notice of advanced maturity has been given without the bond being surrendered to him, he shall mail a copy of the notice of advanced maturity to the address given for payment of such coupon and, if the coupon received is for interest which has ceased to accrue on the bond by reason of its advanced maturity, shall also return such interest coupon with such copy of notice. Failure of the holder or owner of the bond to receive such additional notice shall not affect the advancing of the maturity of the bond.

CHAPTER 772

An act to add Article 3 (commencing with Section 12570) to Chapter 6 of Title 2 of Part 4 of the Penal Code, relating to rifles and shotguns.

[Approved by Governor August 13, 1969 Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Article 3 (commencing with Section 12570) is added to Chapter 6 of Title 2 of Part 4 of the Penal Code, to read:

Article 3. Rifles and Shotguns

12570. Any person residing in this state may purchase any rifle or shotgun, as defined in the federal Gun Control Act of 1968 (18 U.S.C., Sec. 921 et seq.), in a state contiguous to this state pursuant to paragraph (3), subdivision (b), Section 922 of Title 18 of the United States Code, and in conformance with the rules and regulations prescribed by the Secretary of the Treasury pursuant to the Gun Control Act of 1968. The purchase of any such rifle or shotgun pursuant to this section is also subject to any other applicable laws of this state and all such laws of the contiguous state in which the rifle or shotgun is purchased.

CHAPTER 773

An act to amend Section 89 of the Code of Civil Procedure, relating to jurisdiction of municipal courts.

[Approved by Governor August 13, 1969 Filed with Secretary of State August 14, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 89 of the Code of Civil Procedure is amended to read:

89. (a) Each municipal court shall have original jurisdiction of civil cases and proceedings as follows:

(1) In all cases at law in which the demand, exclusive of interest, or the value of the property in controversy amounts to five thousand dollars ($5,000) or less, except cases which involve the legality of any tax, impost, assessment, toll, or municipal fine, except such courts shall have jurisdiction in actions to enforce payment of delinquent unsecured personal property taxes if the legality of the tax is not contested by the defendant.

(2) In actions for dissolution of partnership where the total assets of the partnership do not exceed five thousand dollars ($5,000); in actions of interpleader where the amount

of money or the value of the property involved does not exceed five thousand dollars ($5,000).

(3) To cancel or rescind a contract when such relief is sought in connection with an action to recover money not exceeding five thousand dollars ($5,000) or property of a value not exceeding five thousand dollars ($5,000), paid or delivered under, or in consideration of, such contract; to revise a contract where such relief is sought in an action upon such contract if the court otherwise has jurisdiction of the action.

(4) In all proceedings in forcible entry or forcible or unlawful detainer where the rental value is six hundred dollars ($600) or less per month and the whole amount of damages claimed is five thousand dollars ($5,000) or less.

(5) In all actions to enforce and foreclose liens on personal property where the amount of such liens is five thousand dollars ($5,000) or less.

(6) In all actions to enforce and foreclose liens of mechanics, materialmen, artisans, laborers, and of all other persons to whom liens are given under the provisions of Chapter 2 (commencing with Section 1181) of Title 4 of Part 3 of this code where the amount of such liens is five thousand dollars ($5,000) or less; provided, that where an action to enforce any such lien is pending in a municipal court, and affects property which is also affected by a similar action pending in a superior court, or where the total amount of such liens sought to be foreclosed against the same property by action or actions in a municipal court aggregates an amount in excess of five thousand dollars ($5,000), the municipal court in which any such action, or actions, is, or are, pending, upon motion of any interested party, shall order such action or actions pending therein transferred to the proper superior court. Upon the making of such order, the same proceedings shall be taken as are provided by Section 399 with respect to the change of place of trial.

(7) In actions for declaratory relief when brought by way of cross-complaint as to a right of indemnity with respect to the relief demanded in the complaint or a cross-complaint in an action or proceeding otherwise within the jurisdiction of the municipal court.

(8) To issue temporary restraining orders and preliminary injunctions, to take accounts, and to appoint receivers where necessary to preserve the property or rights of any party to an action of which the court has jurisdiction; to appoint a receiver in aid of execution as provided in subdivision 4 of Section 564; to charge the interest of a debtor partner with payment of the unsatisfied amount of any judgment rendered by 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 such section; in proceed-

ings under Section 689, or any amendments thereof, to determine title to personal property seized in an action pending in, or upon execution issued by, such court.

(9) In all actions under Section 720 for the recovery of an interest in personal property or to enforce the liability of the debtor of a judgment debtor where the interest claimed adversely is of a value not exceeding five thousand dollars ($5,000) or the debt denied does not exceed five thousand dollars ($5,000).

(b) Each municipal court shall have jurisdiction of cases in equity as follows:

(1) In all cases to try title to personal property when the amount involved is not more than five thousand dollars ($5,000).

(2) In all cases when equity is pleaded as a defensive matter in any case otherwise properly pending in a municipal court.

(3) To vacate a judgment or order of such municipal court obtained through extrinsic fraud, mistake, inadvertence, or excusable neglect.

CHAPTER 774

An act to amend Sections 4002, 4004, 4051.3, and 27504 of the Elections Code, relating to initiative, referendum and recall petitions.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 4002 of the Elections Code is amended to read:

4002. Before circulating an initiative petition in any city, or any petition relating to the annexation of territory by a city, the consolidation of cities, or the dissolution of a city, the proponents of such matter shall publish a notice of intention so to do, which notice shall be accompanied by a written statement not in excess of 500 words, setting forth the reasons for the proposed petition. The notice shall be signed by at least one, but not more than five, proponents and shall be in substantially the following form:

Notice of Intent to Circulate Petition

Notice is hereby given of the intention of the persons whose names appear hereon of their intention to circulate the petition within the City of _____ for the purpose of _____. A statement of the reasons of the proposed action as contemplated in said petition is as follows:

SEC. 2. Section 4004 of the Elections Code is amended to read:

4004. Within 10 days after the date of publication or posting or both of the notice of intention and statement, the proponents shall file a copy of the notice and statement as published or posted or both, together with an affidavit made by a representative of the newspaper in which the notice was published or, if the notice was posted, by a voter of the city, certifying to the fact of publication or posting. Such affidavit, together with a copy of the notice of intention and statement, shall be filed with the clerk of the legislative body of the city.

SEC. 4. Section 4051.3 of the Elections Code is amended to read:

4051.3. The clerk's examination process shall be completed not later than thirty (30) days from the date of the filing of the petition. The clerk shall attach to the petition a certificate showing the result of the examination, and the said petition and certificate shall be presented to the legislative body of the city at the next regular meeting thereof. The clerk shall, within five (5) days after his certification, forward a copy of such certification to any person who, at the time of filing the petition, filed a written request therefor.

SEC. 5. Section 27504 of the Elections Code is amended to read:

27504. No signature may be affixed to the petition until the proponents have served, filed and published a notice of intention to circulate a recall petition, containing the name of the officer sought to be recalled and the title of his office, a statement in not more than 500 words of the grounds on which the recall is sought, and the name and address of at least one, but not more than five, proponents The notice of intention shall be served, personally or by certified mail, on the officer sought to be recalled, and a copy thereof with a certificate of the time and manner of service shall be filed with the clerk of the legislative body.

CHAPTER 775

An act to amend Section 36935 of the Government Code, relating to meetings.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 36935 of the Government Code is amended to read:

36935. Resolutions or orders for the payment of money shall be adopted or made only at a regular meeting or at a special meeting for which the notice of such special meeting specifies the business to be transacted.

CHAPTER 776

An act to amend Section 9359.1 of the Government Code, relating to retirement of state officers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 13, 1969 Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 9359.1 of the Government Code is amended to read:

9359.1. (a) The retirement allowance for a member all of whose credited service was rendered as a Member of the Senate or Assembly except as provided in subdivision (d) is an annual amount equal to five percent (5%) of the compensation payable, at the time payments of the allowance fall due, to incumbent Members of the Senate or Assembly, multiplied by the number of years of service with which the member is entitled to be credited at the time of his retirement, not to exceed fifteen (15) years. In no event shall any retirement allowance payable under this chapter to any such member exceed the compensation payable to Members of the Legislature at the time the payment of the allowance is made, except that the retirement allowance of any such member who serves more than 15 years shall be increased by an amount equal to 3 percent of the compensation payable, at the time payment of the allowance falls due, to incumbent Members of the Senate or Assembly for each year or fraction of a year in excess of 15 years.

(b) The retirement allowance for a member all of whose credited service was rendered as an elective officer of the state whose office is provided for by the Constitution other than a judge (and other than a Member of the Senate or Assembly) the sum of (1) is an annual amount equal to five percent (5%) of the compensation payable at the time payments of the allowance fall due, to the officer holding the office which the retired member last held prior to his retirement, or five percent (5%) of the highest compensation fixed for such office during the member's last term or any subsequent term prior to his retirement, whichever is greater, multiplied by the number of years of service with which the member is entitled to be credited at the time of his retirement, not to exceed eight (8) years, plus, if the member is credited with 24 or more years of service, (2) one and two-thirds percent ($1\frac{2}{3}\%$) of the compensation to which the five percent (5%) rate is applicable under subparagraph (1) of this subdivision for his first eight years of credited service, multipled by the number of years of service in excess of eight years with which the member is entitled to be credited at the time of his retirement, not to exceed 12 years of such credited service in excess of the eight years of service referred to in subparagraph (1) of this subdivision.

(c) The retirement allowance for a member part of whose credited service was rendered as a Member of the Senate or Assembly and part of whose credited service was rendered as an elective officer of the state whose office is provided for by the Constitution, other than a judge (and other than a Member of the Senate or Assembly) is the sum of (1) an annual amount equal to five percent (5%) of all the compensation, at the time payment of the allowance falls due, to the officer holding the highest salaried office which the member held at any time during his service prior to retirement, multiplied by the number of years of service with which the member is entitled to be credited at the time of his retirement, not to exceed eight (8) years, plus, if the member is credited with 24 or more years of service, (2) one and two-thirds percent ($1\frac{2}{3}\%$) of the compensation to which the five percent (5%) rate is applicable under subparagraph (1) of this subdivision for his first eight years of credited service, multiplied by the number of years of service rendered as an elective officer of the state whose office is provided for by the Constitution, other than a judge and other than a Member of the Senate or Assembly, with which the member is entitled to be credited at the time of his retirement, not to exceed 12 years of such credited service in excess of the eight years referred to in subparagraph (1) of this subdivision. If, however, the member would be entitled to receive a greater allowance under subdivision (a), (b), or (d) of this section if all of his credited service had been rendered as a Member of the Senate or Assembly or as an elective officer of the state whose office is provided for by the Constitution other than a judge (and other than a Member of the Senate or Assembly), then all of his credited service shall be deemed to have been rendered as a Member of the Senate or Assembly or as such other elective officer, and he shall receive a retirement allowance computed under subdivision (a), (b), or (d) of this section, whichever is greater.

(d) The retirement allowance for a member, all of whose service was rendered as a Member of the Senate or Assembly, who is the surviving widow of a deceased Member of the Senate or Assembly and who becomes the immediate successor in office of such deceased Member of the Senate or Assembly is an annual amount equal to five percent (5%) of the compensation payable, at the time the payments of the allowance fall due, to incumbent Members of the Senate or Assembly, multiplied by the number of years of service with which the member is entitled to be credited at the time of retirement plus the number of years of service as a Member of the Senate or Assembly rendered by the member's deceased husband plus any period in the term, for which the deceased member was elected, following his death, not to exceed fifteen (15) years. In no event shall any retirement allowance payable under this chapter to any such member exceed the compensation payable to

Members of the Legislature at the time the payment of the allowance is made, except that the retirement allowance of any such member, whose total service creditable under this subdivision is in excess of fifteen (15) years, shall be increased by an amount equal to 3 percent of the compensation payable, at the time payment of the allowance falls due, to incumbent Members of the Senate or Assembly for each year or fraction of a year in excess of fifteen (15) years. This same computation of total service creditable shall be used as a basis in determining eligibility for retirement, under Sections 9359 and 9359.16, of a member described in this subdivision. Any member to whom this subdivision applies shall redeposit an amount equal to the contributions which were required to be contributed by her deceased spouse while he was a member of the system for his service, computed on the basis of the salary and rate of contribution in effect at the time such service was rendered, or would have been rendered, in the Legislators' Retirement Fund on account of the service of her deceased husband in order to use such service for the purposes of this section and Sections 9359 and 9359.16.

The amendments to this section enacted at the 1969 Regular Session shall apply with respect to any member who retired or retires, or died or dies while eligible to retire on or after May 1, 1969, and any allowance payable with respect to such a member who retired or died prior to the effective date of such amendment, shall be adjusted effective from the date of retirement or death to the amount it would have been had such amendment been in effect on such date.

The provisions of Sections 9359.11 and 9359.12 of this code shall control over any conflicting provisions of this section.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

If this act is to be effective with respect to certain elective constitutional officers it must take effect immediately.

CHAPTER 777

An act to amend Section 22502 of the Vehicle Code, relating to vehicle parking.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 22502 of the Vehicle Code is amended to read:

22502. (a) Except as otherwise provided in this chapter every vehicle stopped or parked upon a roadway where there

are adjacent curbs shall be stopped or parked with the right-hand wheels of such vehicle parallel with and within 18 inches of the right-hand curb, except that motorcycles shall be parked with at least one wheel or fender touching the right-hand curb. Where no curbs or barriers bound any roadway, right-hand parallel parking is required unless otherwise indicated.

(b) The provisions of subdivision (a) do not apply to a commercial vehicle if a variation from the requirements of subdivision (a) is reasonably necessary to accomplish the loading or unloading of merchandise or passengers on, or from, such vehicle and while anything connected with such loading, or unloading, is being executed.

(c) Notwithstanding the provisions of subdivision (b), local authorities may, by ordinance, prohibit commercial vehicles from stopping, parking, or standing on one side of a roadway in a business district with the right-hand wheels of such vehicle more than 18 inches from the right-hand curb. The ordinance shall be effective only if signs are placed in the areas to which it is applicable clearly indicating the prohibition.

(d) This section does not apply to vehicles of a public utility when such vehicles are being used in connection with the operation, maintenance, or repair of facilities of the public utility or are being used in connection with providing public utility service.

CHAPTER 778

An act to amend Section 39301 of the Health and Safety Code, relating to air pollution control.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 39301 of the Health and Safety Code is amended to read:

39301. Within each basin established by the board, if the board of supervisors, or respective boards of supervisors, determine there is a need for such a district, or such districts to function, there may be established a regional district or districts for the basin, regional district or districts for a portion of the basin and a county or several county districts, or county districts. No county except a county which on the operative date of this section is within an air pollution control district which is functioning and exercising its powers, shall be required to be represented on a regional board, or have its own board, unless and until the board of supervisors, as authorized by Section 24205 adopt a resolution declaring that there is a need for an air pollution control district to function, or, as

authorized by the part, a resolution is adopted by the board of supervisors of the county and by the board of supervisors of one or more other counties declaring there is need for a regional district to function in a common area, including all or any portion of such counties and certified copies of the resolutions are filed with the State Air Resources Board as provided in Section 39354.

CHAPTER 779

An act to amend Sections 14427 and 15793 of, and to add Section 14438.5 to, the Elections Code, relating to official ballots.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 14427 of the Elections Code is amended to read:

14427. If a voter spoils or defaces a ballot, he shall at once return it to the ballot clerk and receive another. A voter shall not receive more than a total of two ballots, including his original ballot, in this manner.

SEC. 2. Section 14438.5 is added to the Elections Code, to read:

14438.5. In lieu of the procedure outlined in Section 14438, the unused ballots may be defaced by tearing or cutting in such a manner that it is apparent that the ballot has been intentionally destroyed to prevent its use. If the alternate method of destruction is used, it will be done in such a manner that the serial number of the ballots is retained for the purposes of reconciliation.

SEC. 3. Section 15793 of the Elections Code is amended to read:

15793. If a voter spoils or defaces a ballot card or marks it erroneously, he shall return the card with stub folded so as not to disclose any choices that he has made, and receive another. A voter shall not receive more than a total of two ballots, including his original ballot, in this manner. The precinct board shall immediately cancel the spoiled ballot card by writing on the back of the ballot card the word "spoiled" in ink or indelible pencil, and without detaching the ballot stub, shall place the ballot in the container for spoiled ballots in a manner that does not expose the choices of the voter.

CHAPTER 780

An act to amend Sections 35130 and 71180.3 of the Government Code, relating to conduct of elections.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 35130 of the Government Code is amended to read:

35130. Except as otherwise provided, the ballots used, the opening and closing of the polls, and the conduct of the election in the territory shall conform as nearly as possible with the Elections Code provisions governing municipal elections in general law cities.

SEC. 2. Section 71180.3 of the Government Code is amended to read:

71180.3. Any vacancy in the office of judge of a justice court shall, at the option of board of supervisors of the county in which the justice court is situated, be filled by appointment by the board of supervisors, or by election at a special election called by the board of supervisors which shall be conducted in the same manner as the election of city councilmen in general law cities as set forth in the Elections Code except that the special election shall be conducted by the county, but no vacancy shall be deemed to exist in any such office before the time fixed in Section 71080 for the selection of the judges of such court and the time fixed by law for their qualification. Any person so appointed or elected shall hold office until his successor is elected and qualifies.

A successor to such appointee shall be elected at the next general state election after the first day of January next succeeding the occurrence of the vacancy, unless the vacancy occurs in a year in which a general state election is held at which a person is elected, in the same manner as he would have been elected had the vacancy not occurred, to fill the office for the ensuing full six-year term and such person actually qualifies and takes office at the commencement of the term for which he was elected. The elected successor shall hold office for the duration of the unexpired term of the person originally creating the vacancy, unless the election at which the successor is elected is the election at which, had the vacancy not occurred, a person would have been elected to the office of judge for a full six-year term, in which case the elected successor shall hold for the full six-year term and until his successor is elected and qualifies.

If the office to which any person so appointed was not previously occupied, he shall hold office until his successor is elected at the general state election next succeeding the occurrence of the vacancy and qualifies. No successor to such appointee shall be elected at any election held within 10 months of the date of the occurrence of the vacancy.

CHAPTER 781

An act to amend Sections 15089, 15110, 15151, 15152, 15154, 15158, 15164, 15222, 15224, 15250, 15251, 15252, and 15271 of the Elections Code, relating to voting machines.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 15089 of the Elections Code is amended to read:

15089. The ballot labels shall be delivered to the officer in charge of the voting machines at least 30 days before the election.

SEC. 2. Section 15110 of the Elections Code is amended to read:

15110. The officers charged with the duty of creating election precincts, at any time on or before the 30th day preceding any election, may create, unite, divide, or combine the election precincts in which voting machines are to be used.

SEC. 3. Section 15151 of the Elections Code is amended to read:

15151. Within a reasonable time before each election, the clerk shall instruct each precinct board in the use of the machine, and in their duties as members of the precinct board in connection with the use of the machine.

SEC. 4. Section 15152 of the Elections Code is amended to read:

15152. A member of a precinct board shall not serve in any election at which a voting machine is used unless he has received instruction and is fully qualified to perform his duties in connection with the machine.

SEC. 5. Section 15154 of the Elections Code is amended to read:

15154. The clerk shall keep an attendance record of those election officers receiving instruction in the use of the machine and in their duties as members of the precinct board in connection with the use of the machine. The clerk shall certify to said attendance record that it is a list of election officers who have been instructed pursuant to Section 15151. The list, when so certified, shall be prima facie evidence that the election officers have been properly instructed in their duties.

SEC. 6. Section 15158 of the Elections Code is amended to read:

15158. The clerk shall also deliver to the polling place two diagrams, one envelope containing the seal for sealing the machine after the polls are closed, one envelope for the return of the keys, one statement of the result of the vote cast or as

many as are necessary and all other supplies necessary for conducting the election.

SEC. 7. Section 15164 of the Elections Code is amended to read:

15164. If any counter is found not to register zero (000), the precinct board shall immediately make a written statement of the designating letter and number of such counter, together with the number registered on the counter, and shall sign and post it upon the wall of the polling room, where it shall remain throughout the election day. If the machine is provided with a recording device or devices which embosses, prints or photographs the counters, in lieu of making a written statement the "before election proof sheet" shall be marked to show any counter not registering zero (000) by circling or underscoring. In filling out the statement of return of votes cast, the precinct board shall subtract that number from the number then registered on the counter.

SEC. 8. Section 15222 of the Elections Code is amended to read:

15222. The precinct board shall, before it adjourns, post conspicuously on the outside of the polling place a copy of the result of the votes cast at the polling place. The copy of the result shall be signed by the members of the precinct board and attested by the clerks.

If the machine is provided with a recording device, the statement of return of votes cast produced by operating its mechanism may be considered the "result of the votes cast" at the polling place.

SEC. 9. Section 15224 of the Elections Code is amended to read:

15224. The statement of result of votes cast, which shall be certified by the precinct board, shall show the total number of votes cast, the number of votes cast for each candidate and measure as shown on each counter, and the number of votes for persons not nominated.

SEC. 10. Section 15250 of the Elections Code is amended to read:

15250. As soon as the polls are closed, the precinct board, in the presence of the watchers and all others lawfully present, shall immediately lock the voting machine against voting and open the counting compartments, giving full view of all counter numbers. The inspector shall, in the order of the offices as their titles are arranged on the machine, read and distinctly announce the designating number and letter on each counter for each candidate's name and the result as shown by the counter numbers. The inspector shall then read the votes recorded for each office on the irregular ballots. He shall also in the same manner announce the vote on each measure.

If the machine is provided with a recording device, in lieu of opening the counter compartment the precinct board shall

proceed to operate the mechanism to produce the statement of return of votes cast record in a minimum of three copies, remove the irregular ballot, if any, record on the statement of return of votes cast record. The irregular ballot shall be attached to the statement of return record of votes cast for the machine and become a part thereof. One copy of the statement of return of votes cast for each machine shall be posted upon the outside wall of the precinct for all to see. The statement of return of votes cast for each machine for the precinct shall constitute the precinct statement of return of votes cast.

SEC. 11. Section 15251 of the Elections Code is amended to read:

15251. A member of the precinct board shall enter the vote, as registered, on the statements of result of votes cast, in the same order on the space which has the same designating number and letter, after which another member shall verify the figures by calling them off in the same manner from the counters of the machine. The counter compartment of the voting machine shall remain open until the official returns and all other reports have been fully completed and verified by the precinct board.

If the machine is provided with a recording device, the alternate procedures in Section 15250 may be used.

SEC. 12. Section 15252 of the Elections Code is amended to read:

15252. During the reading of the result of votes cast, any candidate or watcher who may desire to be present shall be admitted to the polling place. The proclamation of the result of the votes cast shall be distinctly announced by the precinct board who shall read the name of each candidate, with the designating number and letter of his counter, and the vote registered on such counter. The board shall also read the vote cast for and against each measure submitted. During the proclamation ample opportunity shall be given to any person lawfully present to compare the result so announced with the counter dials of the machine, and any necessary corrections shall then and there be made by the precinct board, after which the doors of the voting machine shall be closed and locked.

If the machine is provided with a recording device, the alternate procedures in Section 15250 may be used.

SEC. 13. Section 15271 of the Elections Code is amended to read:

15271. The clerk may count absent voter ballots by the use of a voting machine or vote tabulating device subject to the following:

a. All interested persons shall be afforded the opportunity to be present.

b. No vote shall be counted unless there are at least three persons observing the counting procedure.

c. The voting machine or device shall be inspected, all of its registering counters set at zero (000) and locked.

d. The clerk pursuant to the provisions of Section 15141 may appoint persons to assist in the counting of these ballots.

e. No vote shall be registered in the voting machine or device unless all persons present are in agreement that the voting machine or device reflects exactly the vote of the ballot being counted.

f. When the votes of all absent voter ballots have been registered in the voting machine or device, the results of the votes cast shall be tabulated in the same manner as the results from other voting machines or devices.

CHAPTER 782

An act to amend Sections 4891 and 4894 of, and to add Section 4894.1 to, the Health and Safety Code, relating to sewer maintenance districts.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 4891 of the Health and Safety Code is amended to read:

4891. The board may levy a tax each year upon the real property in the district sufficient to defray the cost of maintaining, operating, and repairing the sewers in the district, of maintaining the district, and of meeting such other expenditures as are authorized by this chapter. The amount of taxes to be collected from the levy made upon property located within the incorporated area of a city may be paid in whole by the city, if the city elects to make such payment as provided in Section 4892.1.

If a district is divided into zones, the board of supervisors may determine what portion of the amount of money to be secured from the levy of taxes shall be secured from each zone within the district.

SEC. 2. Section 4894 of the Health and Safety Code is amended to read:

4894. Pursuant to a resolution adopted by its board of supervisors, a county may lend any of its available funds to a county sewer maintenance district located wholly within the county for use by the district in emergency situations for the construction, reconstruction, and repair of sewer systems, for replacement of obsolete equipment, or to defray unusual

maintenance costs within the district. Any such loan may be restricted for use in a temporary zone formed under the provisions of Section 4894.1 in a district. The loan shall not exceed 100 percent of the tax levy of the district or zone for the year in which the loan is made.

The board of supervisors in the resolution shall specify the date and manner in which the funds shall be repaid. The resolution may provide for the payment of interest on the loan and the loan shall be repaid at the times and in the manner specified in the resolution which time shall not in any event exceed 10 years.

Funds so loaned shall be deemed to have been appropriated by the district or temporary zone in a district for the purposes for which the loan was made. Any area of a district, or of a temporary zone in a district, which is included in a city by annexation or incorporation after a loan has been made shall continue to be taxed for the repayment of its proportionate part of the unpaid balance of the loan.

If a zone is formed to be responsible for the loan, the board of supervisors shall, in the first fiscal year in which a special tax may be levied in said zone, and in each succeeding year of the duration of the zone, levy a special tax upon the taxable property in the zone for the purpose of repaying the amount lent to the district by the county. When the loan has been repaid, the zone shall terminate.

SEC. 3. Section 4894.1 is added to the Health and Safety Code, to read:

4894.1. When the board of supervisors has so declared in its resolution of intention to order the formation of a sewer maintenance district or any annexation thereto, the board of supervisors may, in its resolution ordering the formation of a sewer maintenance district or any annexation thereto, order the district divided into tax assessment zones. Tax assessment zones may be formed at a time other than at the formation of the district or any annexation thereto if pursuant to the same procedure of resolution, notice, and hearing as are applicable under this chapter to the annexation of territory.

No district shall be divided into zones unless the board of supervisors finds that a tax assessment zone requires special services or special facilities in addition to those provided generally by the sewer maintenance district or the replacement of obsolete facilities or equipment, and that the tax levy is commensurate with the special benefits to be provided in the zone. The boundaries of tax assessment zones may be changed or a zone may be dissolved in the same manner that a zone may be formed in an existing district.

CHAPTER 783

An act to amend Section 9601 of the Elections Code, relating to new parties.

[Approved by Governor August 13, 1969. Filed with Secretary of State August 14, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 9601 of the Elections Code is amended to read:

9601. Until otherwise provided for, a political party subject to this part shall carry on its activities in accordance with Part 2 (commencing with Section 8500) of this division.

CHAPTER 784

An act to amend Sections 5781, 5792, 6423, 6423.1, 6424, 6426, 6433, 6750, 6751, 6752, 6754, 6758, 6802, 11003, 11301, 17303.5, 17654.5, 17655.5, 17656, 17660, 17664, 17665, 17665.5, 17666.2, 17920, 17921, 17922, 17924, 17925, 17925.5, 17951, 18460, and 20751.1 of, to amend and renumber Section 18102.4 of, to add Chapter 6.8 (commencing with Section 6499.200) to Division 6 of, to add Sections 885.5, 895.11, 6751.1, 6752.1, 6752.2, 6755, 6755.1, 6755.2, 6755.3, 6802.1, 6802.2, 6902.05, 6902.2, 6902.3, 6902.4, 6902.5, 6903.1, 6903.2, 11301.5, 13252.5, 17303.6, 17303.7, 17305.7, 17507.5, 17507.6, 17663.8, 17668, 18102, 18102.2, 18102.4, 18102.6, 18102.8, 18102.9, 18102.10, and 18351.5 to, and to repeal Sections 5789.5, 6428, 6429, 6430, 6431, 6755, 18101.5, and 18102 of, the Education Code, relating to the financial support of public education, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 15, 1969. Filed with Secretary of State August 15, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 885.5 is added to the Education Code, to read:

885.5. In addition to all other amounts payable to the county school service fund on account of special education schools, programs, and classes maintained by the county superintendent of schools for the education of physically handicapped minors, mentally retarded minors, severely mentally retarded minors, and educationally handicapped minors, there shall be paid by the school districts in which such minors reside, an amount, per unit of average daily attendance of any

such minors being educated by the county superintendent of schools in the current fiscal year, equal to the amount produced in the district in the current fiscal year by the applicable tax rates specified in Section 17702 per unit of the total average daily attendance of the district.

SEC. 1.5. Section 895.11 is added to the Education Code, to read:

895.11. The Superintendent of Public Instruction shall reduce the allowance to each county school service fund made pursuant to Sections 18355 and 18358 by an amount equal to the amount paid into the fund by school districts pursuant to Section 885.5.

SEC. 1.6. Section 5781 of the Education Code is amended to read:

5781. Each school district 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. 1.7. Section 5789.5 of the Education Code is repealed.

SEC. 1.75. Section 5792 of the Education Code 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 schools be considered on a priority basis in terms of the percentage of pupils in grades 2 and 3 in the school 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.

Allowances computed for a district that received only basic aid during the preceding fiscal year shall be reduced by one-half.

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. 1.8. 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, 1970, 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. 1.10. Section 6423.1 of the Education Code is amended to read:

6423.1. The governing board of any school district which provides a program for mentally gifted minors in accordance with Section 6423, may:

(a) Conduct programs, seminars and classes for mentally gifted minors, as defined in Section 6421, within or without the boundaries of the school district and for that purpose employ instructors, supervisors, and other personnel and provide necessary equipment and supplies.

(b) Transport or arrange transportation of pupils, instructors, supervisors or other personnel to or from such places where such programs and classes are being conducted, whether within or without the district, but such transportation shall

be within the state and not in excess of a radius of 110 miles from the school or schools of the district.

(c) For such purposes use such district facilities as are authorized under Article 6 (commencing with Section 6011) of this chapter for outdoor science and conservation education.

Attendance of pupils at such programs, seminars, and classes shall be included in computing attendance and average daily attendance of the district for the purposes of apportionments from the State School Fund.

SEC. 1.11. Section 6424 of the Education Code is amended to read:

6424. The governing board of a school district, in providing programs under this article, may enter into agreements with a county superintendent of schools for those appropriate services to districts authorized in Chapter 4 (commencing with Section 885) of Division 3 and for conducting programs for gifted minors enrolled in the schools of the district.

SEC. 1.12. Section 6426 of the Education Code is amended to read:

6426. The Superintendent of Public Instruction, if he approves, shall apportion to each applicant school district an amount equal to sixty dollars ($60) for each pupil participating in the program for one school year, thirty dollars ($30) for each pupil participating in the program for one semester, and forty dollars ($40) for each pupil identified as a mentally gifted minor.

Apportionments made during a fiscal year pursuant to this section shall not be made on account of more than 3 percent of the units of average daily attendance of pupils during the preceding fiscal year credited to all kindergartens and grades 1 through 12 in all of the schools and classes maintained by school districts and county superintendents of schools.

Each applicant school district shall report to the Superintendent of Public Instruction as a part of the annual financial report the total income, including the amount apportioned for special programs and services for mentally gifted pupils during the year, the total number of such pupils participating in special programs or services, and the amount per special program or service expended for them. If the Superintendent of Public Instruction finds that the amount of state funds allocated are in excess of the expenditures, such excess shall be withheld pursuant to the provisions of Section 17414.

SEC. 1.14. Section 6428 of the Education Code is repealed.

SEC. 1.16. Section 6429 of the Education Code is repealed.

SEC. 1.18. Section 6430 of the Education Code is repealed.

SEC. 1.20. Section 6431 of the Education Code is repealed.

SEC. 1.22. Section 6433 of the Education Code is amended to read:

6433. The Superintendent of Public Instruction shall adopt rules and regulations which for the purposes of this article:

(a) Define "apportionment."

(b) Prescribe the form and manner of application for special apportionment.

SEC. 1.24. Chapter 6.8 (commencing with Section 6499.200) is added to Division 6 of the Education Code, to read:

CHAPTER 6.8. EDUCATIONAL IMPROVEMENT ACT OF 1969

6499.200. This chapter may be cited as the Educational Improvement Act of 1969.

6499.201. It is the intent of the Legislature that the funds provided by this chapter and the funds provided through Title I and Title III of the Elementary and Secondary Education Act of 1965, the Miller-Unruh Basic Reading Act of 1965 (Chapter 5.8 (commencing with Section 5770) of Division 6), and Chapter 106 of the Statutes of 1966, First Extraordinary Session, be expended in the most effective way possible, and that cost effectiveness measures be employed in the approval and evaluation of all projects. It is the further intent of the Legislature that all projects be evaluated annually as to the degree of program achievement and cost effectiveness produced; that highly effective projects shall be expended to further use in the district where operated and in other districts; and that less effective projects be replaced with ones of proven effectiveness, or by new projects which hold promise of high effectiveness.

It is the intent of the Legislature that the effectiveness of a project be measured in terms of the objectives of the project, and that each district should be primarily concerned with the pupils' improvement in ability to read, to use and understand the English language, and to use and understand the concepts of mathematics.

The Legislature intends that each project be evaluated annually by the Department of Education to determine and identify its relative effectiveness; that such evaluation shall be assisted by an advisory committee competent to assess the effectiveness of the results of the project, and to make recommendations to the Department of Education and to the State Board of Education on projects to be expanded in use and those that should be modified or replaced to produce greater effectiveness.

6499.203. The State Board of Education shall appoint an advisory committee on program and cost effectiveness to be composed of three public members representing the field of economics, three public members representing the learning sciences, and three public members representing the managerial sciences. The chairman of the committee shall be chosen by the members.

6499.204. The advisory committee on program and cost effectiveness shall (1) advise the Department of Education and the State Board of Education on projects to be approved,

and the administration of Titles I and III of the Elementary and Secondary Education Act of 1965, the Miller-Unruh Basic Reading Act of 1965 (Chapter 5.8 (commencing with Section 5770) of Division 6) and Chapter 106 of the Statutes of 1966, First Extraordinary Session, (2) assist in the evaluation of the program achievement of projects, (3) assist in the determination of the relative cost effectiveness of projects, and (4) advise on the projects which should have expanded use and those which should be modified or replaced to produce a higher degree of program achievement and cost effectiveness.

6499.205. Members of the committee shall serve without pay. They shall receive their actual and necessary traveling expenses while on official business.

6499.206. In approving projects under this chapter, or projects under Titles I and III of the Elementary and Secondary Education Act of 1965, the Miller-Unruh Basic Reading Act of 1965 (Chapter 5.8 (commencing with Section 5770) of Division 6), and Chapter 106 of the Statutes of 1966, First Extraordinary Session, the State Board of Education shall give due consideration to the effectiveness of the project and shall not continue in operation any project that, upon evaluation, has been shown to be of low effectiveness, and which has only a limited possibility of improved effectiveness.

6499.207. From moneys provided pursuant to subdivision (h) of Section 17303.5, the Superintendent of Public Instruction shall compute an allowance for each school district which meets each of the following requirements:

(a) The district, during the preceding fiscal year, had an average daily attendance, exclusive of the average daily attendance of adults, as adults are defined by Section 5756, of 500 or more.

(b) The entitlement for the district for funds under Title I of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year for each unit of average daily attendance, exclusive of the average daily attendance of adults, as adults are defined by Section 5756, exceeds 150 percent of the statewide average entitlement.

For the purposes of this section, the average daily attendance of pupils in grades 7 and 8 attending a junior high school maintained by a high school district shall be credited to the high school district.

6499.208. The allowance for each eligible district under Section 6499.207 shall be computed pursuant to the provisions of Sections 6499.209 to 6499.214, inclusive.

6499.209. (a) The Superintendent of Public Instruction shall compute for each eligible district the actual amount of entitlement for the district for funds under Title I of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year, per unit of average daily attendance, exclusive of the average daily attendance of adults, as adults are defined in Section 5756, during the preceding fiscal year.

(b) He shall determine the lowest amount per unit of average daily attendance computed for any district in the state under subdivision (a). This amount shall be assigned the weighting value of 1.00. A weighting value for each other district shall be computed by dividing the amount per unit of average daily attendance computed under subdivision (a) by the lowest amount per unit of average daily attendance computed under this subdivision.

6499.210. (a) The Superintendent of Public Instruction shall determine the current tax rate as defined by Section 17604 for each eligible district, by type of district.

(b) He shall determine the lowest current tax rate in effect for each type of eligible district. Such lowest current tax rates shall be assigned the weighting value of 1.00 respectively.

(c) A weighting value for each other district current tax rate shall be computed by dividing the current tax rate for each district determined under subdivision (a) by the lowest current tax rate for each type of district determined under subdivision (b).

6499.211. (a) The Superintendent of Public Instruction shall determine the average achievement testing scores in terms of state percentiles in elementary school districts for grades 1, 3, and 6 or 8, whichever is the last grade in the particular elementary school within the school district, in high school districts for grade 12, and in unified school districts for grades 1, 3, 6 or 8, whichever is the last grade in the particular elementary school within the school district, and 12, as measured by the 1966–1967 statewide administered achievement tests.

(b) He shall compute the reciprocal value for each district achievement test score determined in subdivision (a).

(c) He shall determine the lowest reciprocal value for achievement test scores under subdivision (b). Such lowest reciprocal value shall be assigned the weighting value of 1.00.

(d) A weighting value for achievement test scores for each other district shall be computed by dividing the reciprocal value for each district determined under subdivision (b) by the lowest reciprocal value for achievement test scores determined under subdivision (c).

6499.212. The Superintendent of Public Instruction shall determine the composite weighting value for each district, by multiplying together the weighting values computed for each district pursuant to Sections 6499.209, 6499.210, and 6499.211.

6499.213. The Superintendent of Public Instruction shall compute for each eligible district a weighted average daily attendance by multiplying the composite weighting value for the district determined in Section 6499.212 by the number of units per average daily attendance, exclusive of the average daily attendance of adults, as adults are defined by Section 5756, of the district.

6499.214. The Superintendent of Public Instruction shall compute the entitlement for each district by dividing the total

of the amount appropriated for the purposes of this chapter by the sum of the weighted units of average daily attendance computed for all districts under Section 6499.213, and multiplying the quotient by the weighted average daily attendance for the district.

6499.215. The governing board of any district for which an allowance was computed under Section 6499.208 may apply to the Superintendent of Public Instruction for an apportionment of a part or all of the allowance computed for the district. The application shall contain a detailed plan or plans for the use of the allowance. The plan or plans shall be submitted in accordance with the provisions of Article 2 (commencing with Section 6456) of Chapter 6.5 of this division. The State Board of Education may adopt rules and regulations relating to the form and content of applications and procedures for review and approval thereof.

6499.216. Under the direction of the Superintendent of Public Instruction, the programs authorized by this chapter shall be administered by the Office of Compensatory Education. The Director of Compensatory Education shall insure that the programs of educational improvement maintained by eligible schools are coordinated with the district's ongoing program of compensatory education and the Miller-Unruh Basic Reading Act of 1965, prescribed in Chapter 5.8 (commencing with Section 5770) of this division.

6499.217. It is the intent of the Legislature that amounts allowed pursuant to this chapter be expended exclusively for purposes of the programs authorized by this chapter. The Department of Education shall, for purposes of this chapter, prescribe a system of accounts and records to be used by school districts participating in programs authorized by this chapter which will clearly reflect the relationship between amounts provided for such purposes and the amounts expended therefor.

6499.218. Applications shall be subject to the approval of the State Board of Education. Upon approval by the State Board of Education, the Superintendent of Public Instruction shall certify an apportionment or apportionments to the Controller in accordance with procedures established by the State Board of Education. The Controller shall draw warrants on the State Treasury in the amounts certified in favor of the county treasurer of the county which has jurisdiction over the applicant school district. The county treasurer shall immediately credit the general fund of the applicant school district exactly as apportioned by the Superintendent of Public Instruction.

SEC. 1.26. Section 6750 of the Education Code is amended to read:

6750. As used in this chapter, "educationally handicapped minors" are minors who, by reason of marked learning or behavior disorders, or both, require the special education programs authorized by this chapter with the intention of full

return to the regular school program. Such learning or behavior disorders shall be associated with a neurological handicap or emotional disturbance and shall not be attributable to mental retardation.

SEC. 1.27. Section 6751 of the Education Code is amended to read:

6751. The governing board of any school district or a county superintendent of schools with the approval of the county board of education, maintaining schools in juvenile halls or juvenile homes, ranches, or camps as authorized by the Welfare and Institutions Code, may provide for any one or more of the special educational programs for educationally handicapped minors authorized in this section. A county superintendent of schools may enter into an agreement pursuant to Section 6753 with the governing board of a school district having less than 901 average daily attendance in the elementary schools or less than 901 in the high schools of the district to provide any one or more of such special educational programs for the district, or the county superintendent of schools may enter into an agreement pursuant to Section 6753 with the governing board of a school district having an average daily attendance of 901 or more in the elementary schools of the district or 901 or more in the high schools of the district to provide only those special educational programs for the district which are set forth in subdivision (a), (c), or (d), or any combination thereof. Whenever a special educational program for educationally handicapped pupils set forth in subdivision (a) or (d) of this section is provided by a county superintendent of schools for a district with an average daily attendance of 901 or more in the elementary schools of the district or 901 or more in the high schools of the district, pursuant to an agreement entered into pursuant to Section 6753, the foundation program prescribed in Section 17656 for an elementary district with an average daily attendance of 901 or more shall apply to educationally handicapped pupils of the elementary schools of the district who are in such a special education program and the foundation program prescribed in Section 17665 shall apply to educationally handicapped pupils of the high schools of the district who are in such a special education program. Such programs shall be provided in accordance with standards for each approved by the State Board of Education. The special educational programs for educationally handicapped minors are:

(a) Special classes (elementary and secondary). Under this program educationally handicapped pupils unable to function in a regular class are assigned to a special class. The special class shall be maintained for a minimum schoolday. In this program fundamental school subjects shall be emphasized as prescribed by the State Board of Education.

(b) Learning disability groups (elementary and secondary). In this program, the pupil remains in his regular class but is

scheduled for individual or small group instruction given by a special teacher. Whenever two to four educationally handicapped pupils are instructed at the same time by the same teacher in a learning disability group conducted by a school district or county superintendent of schools, the total attendance credited for such pupils shall equal one unit of attendance for each 60 minutes of instruction.

(c) Specialized consultation to teachers, counselors, and supervisors (elementary and secondary). Under this program specialized consultation is provided teachers, counselors and supervisors relative to the learning disabilities of individual pupils and special education services required by such pupils.

(d) Home and hospital instruction (elementary and secondary). Under this program, a pupil who is unable to function in a school setting and who does not attend school receives instruction at the appropriate grade level at home or in a hospital or in a regularly established nonprofit, tax-exempt, licensed children's institution.

SEC. 1.28. Section 6751.1 is added to the Education Code, to read:

6751.1. The maximum size for the special educational programs for educationally handicapped minors defined in Section 6751 shall be as follows:

(a) For special day classes the maximum enrollment shall be 12 pupils per class.

(b) For learning disability groups the maximum enrollment shall be 32; however, participation in any given learning disability group shall be for at least 30 minutes and shall not exceed eight pupils at any one time.

SEC. 1.29. Section 6752 of the Education Code is amended to read:

6752. A school district maintaining special educational programs for educationally handicapped minors shall not enroll at any given time more than 2 percent of total district enrollment in such programs except as permitted by special authorization of the Superintendent of Public Instruction. As used in this section, total district enrollment means the average number of pupils, exclusive of pupils for whom a tuition payment is charged pursuant to Chapter 10 (commencing with Section 6950) of Division 6, enrolled at the end of the first school month and the sixth school month of the school year.

SEC. 1.30. Section 6752.1 is added to the Education Code, to read:

6752.1. In any fiscal year, extension of an existing program by a school district or county superintendent of schools which exceeds 120 percent of the prior year's enrollment shall receive the prior approval of the Superintendent of Public Instruction before any allowance or apportionment is made therefor for the purposes of this article.

SEC. 1.31. Section 6752.2 is added to the Education Code, to read:

6752.2. Approval of the Superintendent of Public Instruction pursuant to Section 6752.1 shall be based on but not limited to the following:

(a) Actual demand for the program as demonstrated by the recommendations for placement by the local admission committee authorized in Section 6755.

(b) District experience in the operation of programs for educationally handicapped minors.

(c) The demonstrated ability of the district to return educationally handicapped minors, who can participate effectively, to the regular school program.

SEC. 1.32. Section 6754 of the Education Code is amended to read:

6754. Before initiating any program for educationally handicapped minors the governing board of a school district or county superintendent of schools shall apply to the Superintendent of Public Instruction for approval to do so and shall furnish such relevant information with respect to such proposed special education programs as may be required by the Superintendent of Public Instruction. Such application and such information shall be on forms provided by the Superintendent of Public Instruction.

SEC. 1.33. Section 6755 of the Education Code is repealed.

SEC. 1.34. Section 6755 is added to the Education Code, to read:

6755. Admission of minors to programs for the educationally handicapped established under the provisions of this chapter shall be made only on the basis of an individual evaluation according to standards established by the State Board of Education and upon individual recommendation of a local admission committee which shall include a teacher, a school nurse or social worker, a school psychologist or other pupil personnel worker authorized to serve as a school psychologist, a principal or supervisor, and a licensed physician. Such recommendation shall include a statement, that in the professional judgment of the members of the local admission committee the minor is recommended for placement in a program for educationally handicapped minors to correct marked learning disability due to a neurological handicap or emotional disturbance and that he may be expected to eventually participate in the regular school program. Any member of the local admission committee dissenting from the final committee recommendation shall attach to the final recommendation a statement of reasons for such objection.

SEC. 1.35. Section 6755.1 is added to the Education Code, to read:

6755.1. Admission of educationally handicapped minors to programs under the provisions of this chapter shall have force and effect for a maximum of one school year.

SEC. 1.36. Section 6755.2 is added to the Education Code, to read:

6755.2. If, in the professional judgment of the school district admission committee, at the end of the admission period authorized in Section 6755.1, any educationally handicapped minor is unable to function in a regular class, the minor may be readmitted to a program for educationally handicapped minors, and the local admission committee shall agree upon a statement that sets forth the reasons why the minor may not be returned to a regular class and the anticipated results of further participation of the minor in a special educational program.

SEC. 1.37. Section 6755.3 is added to the Education Code, to read:

6755.3. No minor shall be required to participate in a program for educationally handicapped minors unless the local admission committee or a member of the local admissions committee appointed by such committee has personally consulted with the parent or guardian of the minor regarding the learning disorders of the minor and the objectives of the program, and the parent or guardian has subsequent to such counseling and prior to participation in a special educational program, filed written consent to such participation with the governing board of the school district or with the office of the county superintendent of schools.

SEC. 1.38. 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 Article 11 (commencing with Section 18101) of Chapter 3 of Division 14. 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. 1.39. Section 6802 of the Education Code is amended to read:

6802. Any minor who, by reason of a physical impairment, cannot receive the full benefit of ordinary education facilities, shall be considered a physically handicapped individual for the purposes of this chapter. Such minors include the following, as defined by the State Board of Education:

(a) The deaf or hard of hearing.
(b) The blind or partially seeing.
(c) Orthopedic or health impaired.
(d) The aphasic.
(e) The speech handicapped.
(f) Other minors with physical illnesses or physical conditions which make attendance in regular day classes impossible or inadvisable.
(g) Minors with physical impairments so severe as to require instruction in remedial physical education.

SEC. 1.40. Section 6802.1 is added to the Education Code, to read:

6802.1. Programs for physically handicapped minors are:

(a) Special day classes (elementary and secondary). A class established for a group of pupils with a similar handicapping condition defined in Section 6802. The special day class shall be maintained for at least the minimum schoolday. The class shall be taught by a full-time teacher whose responsibility is to teach pupils enrolled in the class for the schoolday established by the governing board for regular classes at the grade level of the pupils in the special day class who are at the highest grade level in the class.

(b) Regular day class program. A program of assistance to physically handicapped minors enrolled in regular day classes who require special services and equipment beyond the services provided to pupils not determined to be physically handicapped to benefit fully from the regular classroom instruction. Such services may include, but are not limited to, supplemental teaching, transportation, teaching aides and specialized equipment.

(c) Integrated instructional programs. A program in which physically handicapped minors who receive their education in regular classrooms from regular teachers, but receive, in addition, supplementary teaching services of a full-time special teacher credentialed to teach physically handicapped minors of the type enrolled in the program. Such special teacher shall serve such physically handicapped minors for the full schoolday established by the governing board for regular pupils in the school or schools enrolling such physically handicapped pupils.

(d) Remedial instruction. A remedial class providing physically handicapped minors who are excused in small numbers, for not to exceed one class period or one hour from their regular or special program, remedial instruction or remedial physical education.

(e) Individual instruction. A program of individual instruction to physically handicapped minors in hospitals, sanitariums, preventoriums, in the home, or under other circumstances as defined by the State Board of Education.

SEC. 1.41. Section 6802.2 is added to the Education Code, to read:

6802.2. The maximum size for any special day class authorized by subdivision (a) of Section 6802.1 is as follows:

Types of pupils in class	Ages 3 through 8 years	Ages 9 through 20 years
Deaf	6	8
Severely hard of hearing	8	10
Combination of deaf and severely hard of hearing	6	8
Blind	8	10
Partially seeing	10	12
Combination of blind and partially seeing	8	10
Orthopedic or other health impaired	12	16
Aphasic	6	8
Other physically handicapped	--	20

The State Board of Education may waive the maximum class size standards prescribed by this section whenever it approves a project submitted by a school district or county superintendent of schools to conduct experimental studies to determine the proper maximum class size standards.

SEC. 1.42. Section 6902.05 is added to the Education Code, to read:

6902.05. Admission of a minor to a special educational program for the mentally retarded established under the provisions of Sections 6901 to 6913, inclusive, and in Sections 8951 to 8956, inclusive, shall be made only on the basis of an individual evaluation according to standards established by the State Board of Education and upon individual recommendation of a local admission committee which shall include a teacher, a school nurse or social worker, a school psychologist or other pupil personnel worker authorized to serve as a school psychologist who has individually examined the minor, a principal or supervisor, and a licensed physician. Such recommendation shall include a statement that in the professional judgment of the members of the local admission committee the minor recommended for placement in any program for the mentally retarded can reasonably be expected to benefit from such placement. Any members of the local admission committee dissenting from the final committee recommendation shall attach to the final recommendation a statement of reasons for such objection.

SEC. 1.43. Section 6902.2 is added to the Education Code, to read:

6902.2. Programs for mentally retarded minors identifiable pursuant to Section 6902.05 are:

(a) Special day classes (elementary and secondary). A class established for mentally retarded minors (as defined by Section 6902.05). The class shall be maintained for at least the minimum schoolday. The class shall be taught by a full-time

teacher whose responsibility is to teach pupils enrolled in the class for the schoolday as established by the governing board for regular classes for pupils who are at the highest grade level in the special class.

(b) An integrated program of instruction. A program for mentally retarded minors in which mentally retarded minors, who are enrolled in a special day class taught by a teacher holding a valid credential to teach exceptional children, are integrated in regular classes in which the content and method of instruction has been modified to the extent that mentally retarded minors can benefit from such integration. Such programs shall be conducted in accordance with rules and regulations established by the State Board of Education.

SEC. 1.44. Section 6902.3 is added to the Education Code, to read:

6902.3. The maximum enrollment of pupils enrolled in special day classes as defined by subdivision (a) of Section 6902.2 shall be 18 pupils except that when the chronological age span is more than four years the appropriate maximum enrollment shall be 15 pupils.

The State Board of Education may waive the maximum class size standards prescribed by this section whenever it approves a project submitted by a school district or county superintendent of schools to conduct experimental studies to determine the proper maximum class size standards.

SEC. 1.45. Section 6902.4 is added to the Education Code, to read:

6902.4. Continuance of minors in special education programs for the mentally retarded authorized under Section 6902 shall be the subject of annual review and recommendation by the local admission committee to determine whether continued placement in the special educational program is appropriate.

SEC. 1.46. Section 6902.5 is added to the Education Code, to read:

6902.5. No minor shall be required to participate in a program for mentally retarded minors unless the local admission committee or a member of the local admission committee appointed by such committee has personally consulted with the parent or guardian of the minor regarding the retarded intellectual development of the minor.

SEC. 1.47. Section 6903.1 is added to the Education Code, to read:

6903.1. Mentally retarded minors identified pursuant to Section 6903 shall participate in a special day class program for mentally retarded minors. The class shall be maintained for at least the minimum schoolday. The class shall be taught by a full-time teacher whose responsibility is to teach pupils enrolled in the class for the schoolday established by the governing board for regular classes for pupils who are at the highest grade level in the special class.

SEC. 1.48. Section 6903.2 is added to the Education Code, to read:

6903.2. The maximum enrollment of pupils in a special day class (as defined by Section 6903.1) shall be 12 pupils.

The State Board of Education may waive the maximum class size standards prescribed by this section whenever it approves a project submitted by a school district or county superintendent of schools to conduct experimental studies to determine the proper maximum class size standards.

SEC. 1.49. Section 11003 of the Education Code is amended to read:

11003. The minimum schoolday for pupils of kindergartens, and for mentally retarded minors in special training schools or classes prescribed in Section 6903, is 180 minutes inclusive of recesses, except that if a school district maintains two such classes on the same day which are taught by the same teacher, the minimum schoolday for each of such classes shall be 150 minutes inclusive of recesses

This section shall have no force or effect after June 30, 1971.

SEC. 2. Section 11301 of the Education Code is amended to read:

11301. The units of average daily attendance in the regular day elementary schools of a district shall be computed as follows:

(a) Record the actual attendance for the last schoolday of each school month. Include attendance authorized under Section 10955.

(b) Divide the sum of the recorded days of actual attendance under (a) above by the number of school months the schools are maintained. For the purposes of this section, any school month of less than 20 days is a school month.

(c) The resulting quotient, plus the attendance credited to the district on account of education of seventh and eighth grade pupils in a junior high school pursuant to Section 11401, is the average daily attendance for the fiscal year.

For the purposes of this article, a day of kindergarten attendance is based on the 180-minute minimum day, and shall be adjusted to 180 minutes when the minimum day is less than 180 minutes as authorized by Section 11003.

Commencing on February 15, 1970, when the minimum schoolday for pupils in kindergarten is less than 180 minutes as authorized by Section 11003, the average daily attendance shall be adjusted by a multiplication factor of 0.750.

Commencing on July 1, 1970, when the minimum schoolday for pupils in kindergarten is less than 180 minutes as authorized by Section 11003, the average daily attendance shall be adjusted by a multiplication factor of 0.417.

Commencing on July 1, 1971, the minimum schoolday for pupils in kindergartens is 180 minutes inclusive of recesses, and no units of average daily attendance shall be credited

for attendance in kindergarten classes if the minimum schoolday of such classes is less than 180 minutes.

For the purposes of this article, a day of attendance in special training schools or classes defined by Section 6903 is based on a 180-minute minimum day. When the minimum day is less than 180 minutes, as authorized by Section 11003, the average daily attendance shall be adjusted by a multiplication factor of 0.417.

SEC. 2.2. Section 11301 of the Education Code is amended to read:

11301. The units of average daily attendance in the elementary schools of a district for a fiscal year shall be computed by dividing the total number of days of pupils attendance in all kindergarten and elementary schools and classes of the district during the fiscal year by the number of days school was actually taught in the regular day elementary schools of the district during the fiscal year, plus the units of average daily attendance credited to the district on account of the education of seventh and eighth grade pupils in a junior high school pursuant to Section 11404.

For the purposes of this article, a day of kindergarten attendance is based on the 180-minute minimum day, and shall be adjusted to 180 when the minimum day is less than 180 minutes as authorized by Section 11003.

Commencing on February 15, 1970, when the minimum schoolday for pupils in kindergarten is less than 180 minutes as authorized by Section 11003, the average daily attendance shall be adjusted by a multiplication factor of 0.750.

Commencing on July 1, 1970, when the minimum schoolday for pupils in kindergarten is less than 180 minutes as authorized by Section 11003, the average daily attendance shall be adjusted by a multiplication factor of 0.417.

Commencing on July 1, 1971, the minimum schoolday for pupils in kindergarten is 180 minutes inclusive of recesses, and no units of average daily attendance shall be credited for attendance in kindergarten classes if the minimum schoolday of such classes is less than 180 minutes.

For the purposes of this article, a day of attendance in special training schools or classes defined by Section 6903 is based on a 180-minute minimum day. When the minimum day is less than 180 minutes, as authorized by Section 11003, the average daily attendance shall be adjusted by a multiplication factor of 0.417.

SEC. 2.3. Section 11301.5 is added to the Education Code, to read:

11301.5. A single session kindergarten class shall meet all of the following criteria:

(a) The class is maintained for a minimum of 180 minutes per schoolday.

(b) The kindergarten class teacher is assigned to only one session of kindergarten daily as a principal teacher.

(c) The kindergarten teacher is a full-time certificated employee.

(d) The full-time duties of the kindergarten teacher are directly related to the kindergarten program.

SEC. 2.5. Section 13252.5 is added to the Education Code, to read:

13252.5. (a) The Superintendent of Public Instruction shall determine for each school district, for the 1968–69 fiscal year, the ratio of administrative personnel to nonadministrative personnel.

(b) Nonadministrative personnel, for the purposes of this section, are the number of full-time equivalent classroom teachers, the number of full-time inschool librarians, and the number of full-time counselors devoting full time to counseling duties.

(c) Administrative personnel, for the purpose of this section, are the number of full-time equivalent positions of all certificated personnel in the district excluding those listed in subdivision (b) of this section.

The governing board of a school district shall not increase the number of administrative positions in the district above the ratio of administrative positions to nonadministrative positions that was reported to the Superintendent of Public Instruction for the 1968–69 fiscal year, unless such administrative position is completely supported by federal funds or the position is a specialist teacher in reading.

SEC. 3.5. Section 17303.5 of the Education Code is amended to read:

17303.5. The amounts transferred to the State School Fund pursuant to Items 321 and 321.5 of the Budget Act of 1969 shall be expended in accordance with the following schedule:

(a) Twenty-one dollars and fifty cents ($21.50) multiplied by the total average daily attendance credited during the preceding school year to elementary school districts which during the preceding school year had less than 901 units of average daily attendance, to high school districts which during the preceding school year had less than 301 units of average daily attendance, and to unified districts which during the preceding school year had less than 1,501 units of average daily attendance, but not to exceed an amount equal to seventy cents ($0.70) multiplied by the average daily attendance credited during the preceding fiscal year to all kindergarten, elementary, high school, junior college and adult schools in the state and to county school tuition funds, for allowance to county school service funds pursuant to subdivision (a) of Section 18352.

(b) Four dollars and forty cents ($4.40) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, junior college and adult schools in the state and to county school tuition funds during the preceding school year for the purposes of Article 10 (commencing with Section 18051) of Chapter 3 of this division.

(c) Eighteen dollars and ten cents ($18.10) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, junior college and adult schools in the state and to county school tuition funds during the preceding school year, for the purposes of Sections 18060 and 18062, and Article 11 (commencing with Section 18101) of Chapter 3 of this division.

(d) Three dollars and six cents ($3.06) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, junior college and adult schools in the state and to county school tuition funds during the preceding school year for allowances to county school service funds pursuant to subdivision (b) of Section 18352.

(e) One dollar and sixty-seven cents ($1.67) multiplied by the average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, junior college and adult schools in the state and to county school tuition funds for allowances to school districts for the purposes of Section 6426.

(f) Two hundred forty-nine dollars and eighty-two cents ($249.82) multiplied by the average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, junior college and adult schools in the state and to county school tuition funds during the preceding school year for basic aid, equalization aid, allowances for adults, and allowances to the county school tuition funds to be apportioned on account of average daily attendance.

(g) Eight dollars and twenty-three cents ($8.23) multiplied by the average daily attendance during the preceding school year credited to all kindergarten, elementary, high school, junior college and adult schools in the state and to county school tuition funds for purposes of Chapter 7.1 (commencing with Section 6750) of Division 6.

(h) The amount provided by Section 17303 7 for the purposes of the educational Improvement Act of 1969 (Chapter 6.8 (commencing with Section 6499.200) of Division 6).

(i) One dollar and fifty-nine cents ($1.59) multiplied by the average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high schools, junior colleges and adult schools in the state and to county school tuition funds for allowances under the Miller-Unruh Basic Reading Act of 1965 (Chapter 5.8 (commencing with Section 5770) of Division 6), but not to exceed eight million dollars ($8,000,000).

SEC. 4. Section 17303.6 is added to the Education Code, to read:

17303.6. In the event the amounts transferred to the State School Fund pursuant to Budget Items 321 and 321.5 of the Budget Act of 1969 are less than the total of the amounts required by Section 17303.5, the Superintendent of Public Instruction shall first reduce proportionally the amounts com-

puted pursuant to subdivision (e) of Section 17303.5 and subdivision (i) of Section 17303.5, provided that the amount prescribed by subdivision (e) of Section 17303.5 may not be reduced by more than three million five hundred thousand dollars ($3,500,000), and secondly, if required, reduce the amount computed pursuant to subdivision (f) of Section 17303.5.

SEC. 5. Section 17303.7 is added to the Education Code, to read:

17303.7. In the event the amounts transferred to the State School Fund pursuant to Items 321 and 321.5 of the Budget Act of 1969 are in excess of the total of the amounts required by Section 17303.5, the Superintendent of Public Instruction shall first increase subdivision (h) of Section 17303.5, but not in excess of five million dollars ($5,000,000). Any additional excess amounts shall be transferred, upon order of the Superintendent of Public Instruction, to the State Construction Program Fund. The moneys so transferred shall be applied in the order of priority in place of the appropriation made by Item 417 of the Budget Act of 1969 (Statutes of 1969, Chapter 355); provided that the expenditure thereof shall be devoted exclusively to the purposes of utility-site development, alteration projects, instructional capacity projects, working drawings for academic instructional projects, library projects, physical education projects, drama-theater projects, and miscellaneous projects, as specified in the priority category schedules II to IX, inclusive, of Item 417, and none of such moneys shall be expended for equipment, as specified in priority category I of Item 417.

SEC. 6. Section 17305.7 is added to the Education Code, to read:

17305.7. The Superintendent of Public Instruction shall also allow as otherwise provided in Section 17305 for the driver training instruction necessary to be safely tested for a driver's license at the Department of Motor Vehicles, those physically handicapped minors and educationally handicapped minors who are in attendance in a public secondary school in California which offers such qualified instruction, and who may qualify for a driver's license, or other license, issued by the California Department of Motor Vehicles, a total allowance not to exceed three hundred sixty dollars ($360) including the reimbursement provisions set forth in Section 18251 to each school district and county superintendent of schools. All driver training for pupils herein described must be provided by qualified teachers, as defined by Sections 18252.1 and 18252.2. The provisions of this section may not be applied if reimbursement allowable under Sections 18251 to 18255, inclusive, is sufficient to meet the total cost of instruction as herein described.

It is the intent of the Legislature that driver training instruction be provided pupils as a part of the high school

curriculum, and the Legislature finds and declares that exceptional children are entitled to the benefit of such instruction so far as their individual capabilities permit, understanding that those pupils herein described often require individualized and amplified driver training instruction in order to succeed in becoming safe operators of motor vehicles. Since without a means of self-transportation much of the overall program of education and rehabilitation provided for by the Legislature would be of little avail to the person without the mobility required to become a productive and well-adjusted member of society, the Legislature further declares that it is incumbent upon the state to share in the cost of providing a most needed and desirable program of driver training instruction for these exceptional children.

SEC. 7. Section 17507.5 is added to the Education Code, to read:

17507.5. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the kindergarten classes maintained by each school district maintaining kindergarten classes.

(a) The number of pupils enrolled in each kindergarten class, the total enrollment in all such classes, and the average number of pupils enrolled per class.

(b) The total number of pupils which are in excess of thirty-three (33) in each class having an enrollment of more than thirty-three (33).

(c) The total number of pupils by which the average class size in the district exceeds 31.

(d) The greater number of pupils as determined in (b) or (c) above.

(e) He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (d) of this section by ninety-seven hundredths (0.97). He shall decrease the average daily attendance reported under the provisions of Section 17601.1 by twice the resulting product.

SEC. 8. Section 17507.6 is added to the Education Code, to read:

17507.6. The governing board of a school district may make application to the Superintendent of Public Instruction requesting a waiver of the provisions of Section 17507.5 whenever the provisions of that section would cause extreme hardship to the district. The Superintendent of Public Instruction may grant such waiver whenever he has determined that the applications of the provisions of Section 17507.5 would unduly burden the district with expense, or would require a pupil to be exposed to hazards or require undue time in reaching the class which he is assigned to attend.

If the waiver is granted by the Superintendent of Public Instruction, no credit for attendance shall be granted for pupils in a kindergarten class that are in excess of 33, or for pupils in

enrollment that make the average kindergarten classes in the district exceed 31 in enrollment, whichever is the larger.

SEC. 10. Section 17654.5 of the Education Code is amended to read:

17654.5. For each elementary school district which maintains only one school with an average daily attendance of less than 101, he shall make one of the following computations, whichever provides the lesser amount:

(1) For each small school which has an average daily attendance during the fiscal year of less than 26, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least one teacher was hired full time, he shall compute for the district eight thousand six hundred twenty-five dollars ($8,625).

(2) For each small school which has an average daily attendance during the fiscal year of 26 or more and less than 51, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least two teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district seventeen thousand two hundred fifty dollars ($17,250).

(3) For each small school which has an average daily attendance during the fiscal year of 51 or more but less than 76, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school three teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district twenty-five thousand eight hundred seventy-five dollars ($25,875).

(4) For each small school which has an average daily attendance during the fiscal year of 76 or more and less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school four teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district thirty-four thousand five hundred dollars ($34,500).

SEC. 11. Section 17655.5 of the Education Code is amended to read:

17655.5. (a) For each district on account of each necessary small school (giving regard to the number of teachers actually employed or average daily attendance), he shall make one of the following computations, whichever provides the lesser amount:

(1) For each necessary small school which has an average daily attendance during the fiscal year of less than 26, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least one teacher was hired full time, he shall compute for the district eight thousand six hundred twenty-five dollars ($8,625).

(2) For each necessary small school which has an average daily attendance during the fiscal year of 26 or more and less than 51, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least

two teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district seventeen thousand two hundred fifty dollars ($17,250).

(3) For each necessary small school which has an average daily attendance during the fiscal year of 51 or more but less than 76, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school three teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district twenty-five thousand eight hundred seventy-five dollars ($25,875).

(4) For each necessary small school which has an average daily attendance during the fiscal year of 76 or more and less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school four teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district thirty-four thousand five hundred dollars ($34,500).

(b) For each district on account of each small school not determined to be a necessary small school under Section 17655 he shall make one of the following computations, whichever applies:

(1) If the total of the units of average daily attendance of the district during the fiscal year, exclusive of pupils attending the seventh and eighth grades of a junior high school, is less than 901, he shall multiply the units of average daily attendance in the school by three hundred forty-five dollars ($345).

(2) If the total of the units of average daily attendance in the district during the fiscal year, exclusive of pupils attending the seventh and eighth grades of a junior high school, is 901 or more, he shall multiply the units of average daily attendance by three hundred fifty-five dollars ($355).

SEC. 12. Section 17656 of the Education Code is amended to read:

17656. For each elementary school district which, exclusive of pupils attending the seventh and eighth grades of a junior high school, has an average daily attendance of 101 or more but less than 901 during the fiscal year, he shall compute an amount determined by multiplying the total average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school and pupils for whom a foundation program is computed under Section 17655.5 by three hundred forty-five dollars ($345).

For each elementary school district which, exclusive of pupils attending the seventh and eighth grades of a junior high school, has an average daily attendance of 901 or more during the fiscal year, he shall compute an amount determined by multiplying the total average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school, and pupils for whom a foundation program is

computed under Section 17655.5 by three hundred fifty-five dollars ($355).

SEC. 13. Section 17660 of the Education Code is amended to read:

17660. For each elementary school district with an average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school, of less than 901 during the fiscal year, on account of the attendance during the fiscal year of pupils in the seventh and eighth grades of a junior high school which attendance is credited to the elementary school district pursuant to Sections 11404 and 5612, he shall multiply the average daily attendance in such grades by three hundred forty-five dollars ($345).

For each elementary school district with an average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school, of 901 or more during the fiscal year, on account of the attendance during the fiscal year of pupils in the seventh and eighth grades of a junior high school which attendance is credited to the elementary school district pursuant to Sections 11404 and 5612, he shall multiply the average daily attendance in such grades by three hundred fifty-five dollars ($355).

SEC. 13.5. Section 17663.8 is added to the Education Code, to read:

17663.8. Section 17663.7 does not apply to a high school which meets both of the following criteria:

(a) It is a high school in a high school district which maintains six or more high schools; and,

(b) Since 1948, the attendance area of the high school has been included in three separate proposals for unification with an adjoining high school district and each proposal has been rejected by the electors of the territory involved.

SEC. 14. Section 17664 of the Education Code is amended to read:

17664. (a) For each district on account of each necessary small high school 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:

Average daily attendance	Minimum number of certificated employees	Amount to be computed
1- 20	3	$42,600
21- 40	4	51,000
41- 60	5	59,400
61- 75	6	67,800
76- 90	7	76,200
91–105	8	84,600
106–120	9	93,000
121–135	10	101,400
136–150	11	109,800

Average daily attendance	Minimum number of certificated employees	Amount to be computed
151–180	12	118,200
181–220	13	126,600
221–260	14	135,000
261–300	15	143,400

For each district which has an average daily attendance of less than 21 and for which fewer than three certificated employees were employed, he shall compute eight thousand four hundred dollars ($8,400) for each of the teachers employed in the school.

(b) For each district on account of each small high school not determined to be a necessary small high school under Sections 17663, 17663.5, and 17663.7, he shall make one of the following computations, whichever applies:

(1) If the total of the units of average daily attendance in the district during the fiscal year is less than 301, he shall multiply the units of average daily attendance during the fiscal year in the school by four hundred seventy-eight dollars ($478).

(2) If the total of the units of average daily attendance in the district during the fiscal year is more than 300, he shall multiply the units of average daily attendance during the fiscal year in the school by four hundred eighty-eight dollars ($488).

For the purposes of this section a "certificated employee" is an equivalent full-time position of an individual holding a credential authorizing service, and performing service in grades 9 through 12 in any secondary school. Any fraction of an equivalent full-time position shall be deemed to be a full-time position.

The foundation program established by this section for high schools with an average daily attendance of less than 301 shall not apply to any high school established after July 1, 1961 unless the establishment of such schools has been approved by the Superintendent of Public Instruction.

SEC. 15. Section 17665 of the Education Code is amended to read:

17665. For each high school district which has an average daily attendance of 301 or more during the fiscal year, he shall multiply the average daily attendance by four hundred eighty-eight dollars ($488).

SEC. 16. Section 17665.5 of the Education Code is amended to read:

17665.5. For a high school district which has an attendance credited pursuant to Section 10815, he shall multiply the average daily attendance by four hundred eighty-eight dollars ($488).

SEC. 16.5. 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 dis-

trict, 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 forty-three dollars ($643).

(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 1969–1970 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.

Average daily attendance	Minimum number of full-time certificated employees	Amount to be computed
1– 150	12	$172,900
151– 200	15	225,133
201– 300	18	277,366
301– 400	21	329,599
401– 500	24	381,832
501– 600	27	434,065
601– 700	30	486,298
701– 800	33	538,531
801– 900	36	590,764
901–1,000	39	643,000

(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" as defined in Sections 25505 and 25505.1. 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. 16.7. Section 17668 is added to the Education Code, to read:

17668. The Superintendent of Public Instruction may increase the various foundation programs in accordance with the specifications in the Budget Act in order to apportion amounts specifically appropriated in the Budget Act for cost increases due to inflation. Such increases shall be effective only during the fiscal year for which such appropriation is made.

SEC. 17. Section 17920 of the Education Code is amended to read:

17920. The Superintendent of Public Instruction shall allow, in addition to the total amount of basic state aid and equalization aid allowed for each elementary school district, an amount to each elementary district with twelve thousand five hundred dollars ($12,500) or less in assessed valuation for the current fiscal year per unit of average daily attendance for the current fiscal year, and to each high school district with twenty-four thousand dollars ($24,000) or less in assessed valuation per unit of average daily attendance, exclusive of the average daily attendance of adults, as adults are defined in Section 5756, as computed under this article.

SEC. 18. 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 one dollar ($1).

SEC. 19. 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 thirty cents ($0.30).

SEC. 21. Section 17924 of the Education Code is amended to read:

17924. For each elementary school district, the Superintendent of Public Instruction shall determine a supplemen-

tary 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 as follows:

If the applicable tax rate of the district pursuant to Section 17921 equals or exceeds sixty cents ($0.60), he shall determine, for each unit of average daily attendance under this section, an amount equal to one dollar and twenty-five cents ($1.25) for each cent of such applicable rate. For such purposes, the applicable rate determined pursuant to Section 17921 shall be deemed to be no less than one dollar ($1); provided that, in no case shall the amount determined pursuant to this section be in excess of one hundred twenty-five dollars ($125) per pupil in average daily attendance.

If the applicable tax rate of the district pursuant to Section 17921 is less than sixty cents ($0.60), he shall determine, for each unit of average daily attendance under this section, an amount equal to one dollar and twenty-five cents ($1.25) for each cent of such applicable tax rate.

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. 22. 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 as follows:

If the applicable tax rate of the district pursuant to Section 17922 equals or exceeds twenty cents ($0.20), he shall determine, for each unit of average daily attendance under this section, an amount equal to two dollars and forty cents ($2.40) for each cent of such applicable rate. For such purposes, the applicable rate determined pursuant to Section 17922 shall be deemed to be no less than thirty cents ($0.30); provided that, in no case shall the amount determined pursuant to this section

be in excess of seventy-two dollars ($72) per pupil in average daily attendance.

If the applicable tax rate of the district pursuant to Section 17922 is less than twenty cents ($0.20), he shall determine, for each unit of average daily attendance under this section, an amount equal to two dollars and forty cents ($2.40) for each cent of such applicable tax rate.

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 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. 23. Section 17925.5 of the Education Code is amended to read:

17925.5. The maximum rate of school district tax which may be levied for all school purposes, exclusive of bond interest and redemption, for any elementary or high school district which is not eligible for the increase in foundation program prescribed by Section 17676 and which, with respect to the elementary district, has an assessed valuation per unit of average daily attendance for the district of twelve thousand five hundred dollars ($12,500) or less and which, with respect to the high school district, has an assessed valuation per unit of average daily attendance for the district, exclusive of the average daily attendance of adults as adults are defined by Section 5756, of twenty-four thousand dollars ($24,000) or less, may be increased, upon adoption of a resolution of the governing board of the district, by an amount which will not exceed a rate which will raise a sum in the district equivalent to a tax of one dollar and sixty cents ($1.60) on each one hundred dollars ($100) of assessed valuation if an elementary district or equivalent to a tax of one dollar ($1) on each one hundred dollars ($100) of assessed valuation if a high school district plus the product of twenty dollars ($20) multiplied by the total units of average daily attendance in the district exclusive, with respect to high school districts, of the average daily attendance of adults as adults are defined by Section 5756.

SEC. 23.5. Section 17951 of the Education Code is amended to read:

17951. The allowance for each unit of average daily attendance during the fiscal year for adults, as adults are defined in Section 5756, shall be as follows:

(a) For high school districts the allowance shall be three hundred fifty dollars ($350) less the product of fifty cents ($0.50) multiplied by each one hundred dollars ($100) of the assessed valuation of the district per unit of average daily attendance exclusive of adults.

(b) For each unit of average daily attendance attached to a junior college the allowance shall be five hundred twenty dollars ($520) less the product of twenty-four cents ($0.24) multiplied by each one hundred dollars ($100) of the assessed valuation of the district per unit of average daily attendance exclusive of adults.

The allowance provided by this section for each unit of average daily attendance of an adult, as an adult is defined in Section 5756, not residing in the district and not residing in any district maintaining a junior college shall be limited to one hundred twenty-five dollars ($125) as basic state aid and no allowance shall be made based on state equalization aid. The total of basic and equalization aid allowed each district shall not be less than one hundred twenty-five dollars ($125) for each unit of average daily attendance during the fiscal year for resident adults, exclusive of average daily attendance in classes for inmates of any state institution for adults and for inmates of any city, county, or city and county jail, road camp or farm for adults.

If any computation made under any of the preceding paragraphs of this section produces an allowable amount not in excess of one hundred twenty-five dollars ($125) per unit of average daily attendance, such allowable amount computed shall be adjusted if, and to the extent necessary, so that the actual allowance shall not exceed one hundred twenty-five dollars ($125) per unit of average daily attendance of the adults in high schools and junior colleges during the preceding fiscal year.

SEC. 23.7. Section 18101.5 of the Education Code is repealed.

SEC. 24. Section 18102 of the Education Code is repealed.

SEC. 25. Section 18102 is added to the Education Code, to read:

18102. The Superintendent of Public Instruction shall allow to each school district or county superintendent of schools for the education of physically handicapped minors during the current fiscal year an amount computed as follows:

(a) Dividing the average daily attendance of physically handicapped minors by the maximum class size established by law for special day classes for physically handicapped minors, and increasing the quotient to the next highest integer where a fractional amount is produced.

(b) Multiplying the amount computed under subdivision (a) by a total support guarantee of seventeen thousand two hundred sixty dollars ($17,260), and

(c) Subtracting from the amount computed under subdivision (b) the applicable of the following amounts:

(1) The product of the average daily attendance of physically handicapped minors in kindergartens and grades 1 to 8, inclusive, and the foundation program per pupil established for elementary school districts with an average daily attendance of 901 or more by Section 17660, and

(2) The product of the average daily attendance of physically handicapped minors in grades 9 to 12, inclusive, and the foundation program per pupil established for high school districts with an average daily attendance of 301 or more by Section 17665.

(3) The product of the average daily attendance of physically handicapped minors in grades 13 and 14, and the foundation program per pupil established for junior college districts with an average daily attendance in excess of 1,000 by Section 17666.2.

SEC. 26. Section 18102.2 is added to the Education Code, to read:

18102.2. The Superintendent of Public Instruction shall allow to each school district or county superintendent of schools for the education of mentally retarded minors during the current fiscal year an amount computed as follows:

(a) Dividing the average daily attendance of mentally retarded minors by the maximum class size established by law for special day classes for mentally retarded minors, and increasing the quotient to the next highest integer where a fractional amount is produced.

(b) Multiplying the amount computed under subdivision (a) by a total support guarantee of thirteen thousand eight hundred ninety dollars ($13,890), and

(c) Subtracting from the amount computed under subdivision (b) the applicable of the following amounts:

(1) The product of the average daily attendance of mentally retarded minors in kindergartens and grades 1 to 8, inclusive, and the foundation program per pupil established for elementary school districts with an average daily attendance of 901 or more by Section 17660, and

(2) The product of the average daily attendance of mentally retarded minors in grades 9 to 14, inclusive, and the foundation program per pupil established for high school districts with an average daily attendance of 301 or more by Section 17665.

(3) The product of the average daily attendance of physically handicapped minors in grades 13 and 14, and the foundation program per pupil established for junior college districts with an average daily attendance in excess of 1,000 by Section 17666.2.

SEC. 28. Section 18102.4 of the Education Code is amended and renumbered to read:

18101.6. As used in this article, "special day classes" includes integrated programs of instruction for physically handi-

capped 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.

SEC. 28.5. Section 18102.4 is added to the Education Code, to read:

18102.4. The Superintendent of Public Instruction shall allow to each school district or county superintendent of schools for the education of severely mentally retarded minors during the current fiscal year an amount computed as follows:

(a) Dividing the average daily attendance of severely mentally retarded minors by the maximum class size established by law for special day classes for severely mentally retarded minors, and increasing the quotient to the next highest integer where a fractional amount is produced.

(b) Multiplying the amount computed under subdivision (a) by a total support guarantee of fifteen thousand two hundred sixty dollars ($15,260), and

(c) Subtracting from the amount computed under subdivision (b) the applicable of the following amounts:

(1) The product of the average daily attendance of severely mentally retarded minors in kindergartens and grades 1 to 8, inclusive, and the foundation program per pupil established for elementary school districts with an average daily attendance of 901 or more by Section 17660, and

(2) The product of the average daily attendance of severely mentally retarded minors in grades 9 to 14, inclusive, and the foundation program per pupil established for high school districts with an average daily attendance of 301 or more by Section 17665.

(3) The product of the average daily attendance of physically handicapped minors in grades 13 and 14, and the foundation program per pupil established for junior college districts with an average daily attendance in excess of 1,000 by Section 17666.2.

SEC. 29. Section 18102.6 is added to the Education Code, to read:

18102.6. The Superintendent of Public Instruction shall allow to each school district or county superintendent of schools for the education of educationally handicapped minors during the current fiscal year an amount computed as follows:

(a) Dividing the average daily attendance of educationally handicapped minors by the maximum class size established by law for special day classes for educationally handicapped minors, and increasing the quotient to the next highest integer where a fractional amount is produced.

(b) Multiplying the amount computed under subdivision (a) by a total support guarantee of sixteen thousand two hundred sixty dollars ($16,260), and

(c) Subtracting from the amount computed under subdivision (b) the applicable of the following amounts:

(1) The product of the average daily attendance of educationally handicapped minors in kindergartens and grades 1 to 8, inclusive, and the foundation program per pupil established for elementary school districts with an average daily attendance of 901 or more by Section 17660, and

(2) The product of the average daily attendance of educationally handicapped minors in grades 9 to 14, inclusive, and the foundation program per pupil established for high school districts with an average daily attendance of 301 or more by Section 17665.

(3) The product of the average daily attendance of physically handicapped minors in grades 13 and 14, and the foundation program per pupil established for junior college districts with an average daily attendance in excess of 1,000 by Section 17666.2.

SEC. 30. Section 18102.8 is added to the Education Code, to read:

18102.8. The governing board of a school district with an average daily attendance of less than 2,000 pupils during the current fiscal year, or a county superintendent of schools, may apply to the Superintendent of Public Instruction whenever sparsity of population or transportation distances make it impossible to maintain classes of the maximum size as prescribed by the State Board of Education. If the Superintendent of Public Instruction, upon review, finds that it is impossible to maintain classes of the maximum size as prescribed by the State Board of Education, he may add to the amounts allowed under Sections 18102 to 18102.6, inclusive, an amount sufficient to provide for the needed classes, but not more per special class than the applicable amounts computed in those sections.

SEC. 31. Section 18102.9 is added to the Education Code, to read:

18102.9. (1) In addition to the allowances provided under Sections 18102 to 18102.6, inclusive, the Superintendent of

Public Instruction shall allow to school districts and county superintendents of schools for each unit of average daily attendance an amount as follows:

(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 three hundred dollars ($1,300).

(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 provided blind pupils 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, or for individual supplemental instruction in vocational arts, business arts, or homemaking for blind pupils, nine hundred ten dollars ($910).

Braille books purchased, braille materials transcribed from ink print, sound recordings purchased or made, and special supplies and equipment purchased for blind pupils for which state or federal funds were allowed are property of the state and shall be available for use by blind pupils throughout the state as the State Board of Education shall provide.

(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).

(2) (a) The allowances provided under Sections 18102 to 18102.6, inclusive, 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, an amount equal to the product of ten dollars ($10) and the average daily attendance of pupils enrolled in special day classes, learning disability groups, and home and hospital instruction for educationally handicapped minors.

SEC. 32. Section 18102.10 is added to the Education Code, to read:

18102.10. Beginning with the 1968–1969 fiscal year, for each special class or program for which a state allowance is provided under this article or under Section 18060 or 18062, each school district and each county superintendent of schools maintaining such special classes or programs shall report annually to the Superintendent of Public Instruction, on forms he shall provide, all expenditures and income related to each special class or program.

If the Superintendent of Public Instruction determines that the current expense of operating a special class or program as defined in the California School Accounting Manual does not equal or exceed the sum of basic state aid, and state equalization aid provided in the regular foundation program per unit of average daily attendance and the allowance provided under this article, and any amount of local tax funds contributed to the foundation program for each pupil in average daily attendance in the special class or program maintained by a school district for each pupil in average daily attendance in special classes or programs maintained by the county superintendent of schools, then the amount of such deficiency shall be withheld from state apportionments to the school district or the county superintendent of schools, as the case may be, in the succeeding fiscal year in accordance with the procedure prescribed in Section 17414.

SEC. 32.4. Section 18351.5 is added to the Education Code, to read:

18351.5. The Joint Legislative Budget Committee shall conduct a comprehensive review and study of the office of county superintendent of schools. The purpose of the review shall be to develop recommendations to the Legislature relating to the legitimate role of the intermediate unit in the California educational structure, its basic organization, its functions, and the methods of financing and administering the office.

The Joint Legislative Budget Committee shall conduct the study and report its findings to the Legislature on or before the 30th calendar day of the 1971 Regular Session. Such report shall include its findings and its recommendations concerning any legislation which may be necessary and appropriate to increasing the effectiveness and efficiency of such operations within the public school system.

This section shall cease to be operative on July 1, 1971.

SEC. 32.5. Section 18460 of the Education Code is amended to read:

18460. If the total amount allowed county school service funds under Sections 18351 to 18354, inclusive, is less than the amounts provided by Section 18352 the balance shall be added to the balances resulting from the application of Sections 18061, 18452, 18453 and subdivision (b) of Section 17404. Only so much of the total of such balances as is actually necessary shall be used as follows:

(a) First, to restore proportionately the amounts reduced under Section 18455.

(b) Second, to restore, in the order herein listed, the amounts reduced under Section 18456.

(c) Third, to restore proportionately the amounts reduced under Sections 18456.1 and 18456.2.

Any remaining balances otherwise transferable under subdivisions (b) and (c) of Section 17301 shall revert to the General Fund.

SEC. 33. Section 20751.1 of the Education Code is amended to read:

20751.1. On and after July 1, 1973, the maximum tax rates prescribed by Section 20751 and by any other applicable provisions of this code shall have no force or effect and shall be inoperative with respect to any school district.

SEC. 33.5. The Legislature hereby declares that the concept of school property tax control by means of tax rate limits has failed to control either school expenditures or school tax rates. It is the intent and purpose of the Legislature to develop methods of limiting school property taxes while insuring continued voter participation in determining limitations. Expenditure control, as well as other methods of limitations shall be examined in the furtherance of this legislative intent.

The Legislative Analyst shall develop a plan to establish control over school districts' use of the property tax, using an expenditure limitation or such other method as he may recommend. The Legislative Analyst shall present the plan at the 1970 Regular Session of the Legislature.

SEC. 34. There is hereby appropriated from the General Fund in the State Treasury for allocation by the State Controller for expenditure for purposes of this act the sum of three hundred ten thousand dollars ($310,000), or so much thereof as may be necessary. The State Controller shall allocate the appropriation for expenditure as follows:

(a) To the Department of Education for administration of programs of educational improvement and programs of cost effectiveness under Chapter 6.8 (commencing with Section 6499.200) of Division 6 of the Education Code $125,000

(b) To the Joint Legislative Budget Committee for the conduct of independent fiscal review and analysis of compensatory education programs and programs for educational improvement and programs of cost effectiveness conducted by individual school districts under Chapter 6.8 (commencing with Section 6499.200) of Division 6 of the Education Code, as directed by the committee $150,000

(c) To the Joint Legislative Budget Committee for the conduct of the review and study of the office of the county superintendent of schools under Section 18351.5 of the Education Code, as directed by the committee.... $35,000

The Joint Legislative Budget Committee shall submit reports and recommendations concerning the fiscal review and analyses to each house of the Legislature, and in addition, shall distribute reports to affected school districts, county superintendents of schools, the Department of Education, and the Department of Finance.

SEC. 34.3. The provisions of Section 17303.5 of the Education Code, as amended by Section 3.5 of this act, shall supersede and control over the provisions of subdivision (b) of Item 321 of the Budget Act of 1969 (Statutes of 1969, Chapter 355).

SEC. 34.5. Subdivision (c) of Section 17301 of the Education Code shall be inoperative during the 1969–1970 fiscal year.

SEC. 35. The provisions of this act shall not be construed as impairing or otherwise affecting the validity of any school district budget proceeding undertaken pursuant to Division 16 (commencing with Section 20501) of the Education Code for the fiscal year 1969–1970. Notwithstanding the provisions of Sections 20951 and 21001, and any other provisions of the Education Code to the contrary, the governing board of any school district may budget and use any unbudgeted apportionments from the State School Fund provided during the 1969–1970 fiscal year pursuant to the provisions of this act without repetition of any publication or other budgeting procedures which would otherwise be required.

SEC. 36. There is hereby appropriated all money made available by the various provisions of this act from the General Fund in the State Treasury for the support of the public schools and to finance the essential adjunctive public school administrative responsibilities charged to the State Department of Education and the Joint Legislative Budget Committee by this act.

SEC. 37. This act shall be deemed operative for the entire 1969–1970 fiscal year as though the same had been enacted into law and became operative on July 1, 1969. 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. 37.5. In September 1969, the Superintendent of Public Instruction shall notify all school districts of his preliminary estimate of the amount of state support they will be receiving, and he shall give the school districts a revised estimate of such state support in December 1969.

SEC. 37.7. It is the intent of the Legislature, if amendments to Section 11301 of the Education Code proposed by both this bill and S.B. 172 are enacted, that both amendments be given effect and incorporated in Section 11301 in the form set forth in Section 2.2 of this act. Therefore, in the event S.B. 172 is enacted and amends Section 11301, Section 2.2 of this act shall become operative upon the effective date of this act or the effective date of S.B. 172, whichever is later, in which event Section 11301 of the Education Code as amended by Section 2 of this act and as amended by S.B. 172 shall be repealed.

SEC. 38. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the urgently needed program of financial support for the public schools provided for by this act may be put into effect as early as possible in the 1969–1970 school year, it is necessary that this act take effect immediately.

CHAPTER 785

An act to amend Section 1203.2 of the Penal Code, and to amend Section 1731.5 of the Welfare and Institutions Code, relating to commitments to the Youth Authority.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 25, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 1203.2 of the Penal Code is amended to read:

1203.2. At any time during the probationary period of the person released on probation in accordance with the provisions of these sections, any probation or peace officer may without warrant, or other process, at any time until the final disposition of the case, rearrest any person so placed on probation under the care of a probation officer, and bring him before the court, or the court may in its discretion issue a warrant for the rearrest of any such person and may thereupon revoke and terminate such probation, if the interests of justice so require, and if the court in its judgment, shall have reason to believe from the report of the probation officer, or otherwise, that the person so placed upon probation is violating any of the conditions of his probation, or engaging in criminal practices, or has become abandoned to improper associates or a vicious life. Upon such revocation and termination the court

may, if the sentence has been suspended, pronounce judgment after said suspension of the sentence for any time within the longest period for which the defendant might have been sentenced, but if the judgment has been pronounced and the execution thereof has been suspended, the court may revoke such suspension and order that the judgment shall be in full force and effect, and the person shall be delivered over to the proper officer to serve his sentence, less any credits herein provided for. In any case of revocation and termination of probation, including, but not limited to, cases in which the judgment has been pronounced and the execution thereof has been suspended, upon such revocation and termination the court may, in lieu of any other sentence, commit the defendant to the Youth Authority if the defendant is otherwise eligible for such commitment. If probation has been revoked either before or after judgment has been pronounced, the order revoking probation and the judgment, if any, may be set aside for good cause upon motion made before pronouncement of judgment or, if judgment has been pronounced, within 30 days after the court has notice that execution of the sentence has commenced. If an order setting aside the judgment or the revocation of probation or both is made after the expiration of the probationary period, the court may again place the defendant on probation for such period and with such terms and conditions as it could have done immediately following conviction.

SEC. 2. Section 1731.5 of the Welfare and Institutions Code is amended to read:

1731.5. After certification to the Governor as provided in this article a court may commit to the authority any person convicted of a public offense who comes within subdivisions (a), (b), and (c), or subdivisions (a), (b), and (d), below:

(a) Is found to be less than 21 years of age at the time of apprehension.

(b) Is not sentenced to death, imprisonment for life, imprisonment for 90 days or less, or the payment of a fine, or after having been directed to pay a fine, defaults in the payment thereof, and is subject to imprisonment for more than 90 days under the judgment.

(c) Is not granted probation.

(d) Was granted probation and probation is revoked and terminated.

The Youth Authority shall accept a person committed to it pursuant to this article if it believes that the person can be materially benefited by its reformatory and educational discipline, and if it has adequate facilities to provide such care.

CHAPTER 786

An act to add Section 21103 to the Government Code, relating to the Public Employees' Retirement System, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 25, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 21103 is added to the Government Code, to read:

21103. A person who has been retired under this system for service may be reinstated from retirement pursuant to this article, without regard to the requirements of Section 21101, upon his application to the board if all of the following conditions occur:

(1) Upon such reinstatement, he will be appointed by a state board or commission to the position to which such board or commission is entitled to appoint an employee exempt from civil service under the provisions of Article XXIV of the Constitution;

(2) In the judgment of the board or commission he has special knowledge, experience and qualifications respecting the activities of such board or commission; and

(3) He has not attained age 73.

A person appointed pursuant to this section shall be retired on the first day of the calendar month succeeding that in which he attains age 73.

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 state may immediately receive the benefit of the skill and experience of retired employees, it is necessary that this act take effect immediately.

CHAPTER 787

An act to amend Section 1 of Chapter 800 of the Statutes of 1957, relating to lands in Bolinas Bay.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 25, 1969.]

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 County of Marin, hereinafter called "county," 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 and the Bolinas Harbor District, 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 existed on the effective date of this act, to be forever held by the county, and 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 county, 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 of all works, facilities, and appliances incidental, necessary or convenient for the promotion and accommodation of commerce and navigation, which shall include accommodation for shallow-draft vessels seeking shelter from ocean waters during adverse weather conditions consistent with the preservation of the natural features of the lagoon.

(2) For the construction, reconstruction, repair and maintenance of roadways, 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.

(3) For the construction, reconstruction, repair, maintenance and operation of parks, playgrounds, and bathing facilities, recreation and fishing piers, public recreation facilities, and for all works, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(4) For the establishment, improvement and conduct of a small boat harbor, marina, aquatic playground and similar recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses.

(5) For the establishment, preservation, restoration, improvement, or maintenance of intertidal and subtidal marine biological reserves, restoration and maintenance of shellfish and related fishery resources, development of nature study trails and areas, exhibits, research projects, preservation of areas of unique ocean phenomena for marine activities and water sports, and the natural beauty and biological resources and activities related thereto, subject to the prior approval of the Fish and Game Commission as to those matters which are subject to regulation by the commission pursuant to the Fish and Game Code.

(b) The county, or its successors shall not, at any time, grant, convey, give or alienate said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that the county, or its successors, may grant franchises thereon for limited periods, not exceeding 25 years, for wharves and other public uses and purposes; and may lease the lands, or any part thereof, for limited periods, not exceeding 25 years, for purposes consistent with the trusts upon which the lands are held by the State of California, and with the requirements of commerce and navigation, and collect and retain rents and other revenues from such leases, franchises and privileges. Such lease or leases, franchises and privileges may be for any and all purposes which shall not interfere with commerce and navigation.

Nothing contained in this paragraph (b) shall be deemed to affect the validity, or term of any franchise previously granted by the county under the Franchise Act of 1937 (Chapter 2 (commencing with Section 6201), of Division 3 of the Public Utilities Code), and any such franchise shall be effective with respect to said land when title thereto passes to said county hereunder.

(c) The lands shall be improved, preserved, restored, or maintained without expense to the state; provided, however, that nothing contained in this act shall preclude expenditures 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 county, nor by the county 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 the lands or any improvements, betterments, or structures thereon, the county or its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

(e) The State of California shall have the right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon the lands for any vessel or other watercraft owned or operated by the State of California.

(f) There is hereby reserved to the people of the State of California the absolute right to fish in the waters of the lands with the right of convenient access to the waters over the lands for these purposes.

(g) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in the land, to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from the land, but this exception and reservation shall not apply to dredged or other materials such

as gravel, mud, and silt removed in connection with the creation, maintenance or operation of the harbor and other objectives contemplated therein.

(h) The lands herein described 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 county, its successor 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 highway 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.

Within three years from the effective date of the amendment to this act enacted at the 1969 Regular Session of the Legislature the county shall prepare and submit a reasonable plan pursuant to which the lands shall be substantially improved, restored, preserved, or maintained by the county without expense to the state. The county shall submit the plan to the Department of Harbors and Watercraft. The Department of Harbors and Watercraft shall review the plan for compliance with the provisions of this act and, not later than the 30th day after receipt of the plan, shall transmit such plan, together with its comments, to the State Lands Commission for approval by the State Lands Commission. If the State Lands Commission determines that the county has failed to submit a reasonable and workable plan as herein required, all right, title, and interest of the county in and to all lands granted by this act shall cease and all right, title and interest in the lands shall revert and rest in the state. If the State Lands Commission approves the plan, the lands shall be substantially improved, restored preserved, or maintained by the county without expense to the state in accordance with the plan in a period of not less than five years from the date of such approval. If the State Lands Commission determines that the county has failed to so improve, restore, preserve, or maintain such lands, all right, title, and interest of the county in and to all lands granted by this act shall cease and all right, title and interest in the lands shall revert and rest in the state.

SEC. 2. This act shall not be operative and shall have no force and effect unless and until the County of Marin files, with the state, a document acceptable to the state, certifying that the county has assumed and will discharge the outstanding indebtedness of the Bolinas Harbor District specified in Marin County Resolution No. 69-59 confirming the dissolution of said district. Nothing contained herein shall be deemed to impose any other obligations upon the county not specifically set forth therein.

CHAPTER 788

An act to amend Sections 11052 and 11055 of the Education Code, relating to work experience education.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 11052 of the Education Code is amended to read:

11052. The minimum schoolday in any high school, except in an evening high school, a regional occupational center, an opportunity school and in opportunity classes, a continuation high school, in continuation education classes, in late afternoon or Saturday occupationally organized vocational training programs conducted under a federally approved plan for vocational education, and for students enrolled in a work experience education program approved under the provisions of Article 4 (commencing with Section 8351) of Chapter 4 of Division 7, is 240 minutes

SEC. 2. Section 11055 of the Education Code is amended to read:

11055. The minimum day in special day or Saturday vocational training programs and for students enrolled in a work experience education program approved under the provisions of Article 4 (commencing with Section 8351) of Chapter 4 of Division 7 is 180 minutes.

CHAPTER 789

An act to add Sections 12032 and 12033 to the Penal Code, relating to firearms.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 12032 is added to the Penal Code, to read:

12032. Notwithstanding any provision of law or of any local ordinance to the contrary, when any firearm is in the possession of any officer of the state, or of a county, city and county or city, and such firearm is otherwise subject to sale as unclaimed property, abandoned property or as an exhibit filed in any criminal action or proceeding, the firearm shall not be sold but shall, with respect to firearms which were exhibits in criminal actions or proceedings and which are not subject to the provisions of Section 12028 or 12033, or may, with respect to firearms which are unclaimed or abandoned property, be de-

stroyed or caused to be destroyed by the officer, pursuant to this section.

Each weapon subject to destruction pursuant to this section shall be destroyed to such an extent that it shall be wholly and entirely ineffective and useless for the purpose for which it was manufactured.

Weapons subject to destruction pursuant to this section shall be destroyed between the first and 10th days of July, in each year. However, weapons which are exhibits filed in any criminal action or proceeding shall be destroyed during such annual period only after they are no longer needed as exhibits, and any weapon which is unclaimed property may be destroyed only if it has been in the possession of the officer at least 180 days.

This section shall not apply to any firearm in the possession of the Department of Fish and Game or which was used in the violation of any provision of law, or regulation thereunder, in the Fish and Game Code.

SEC. 2. Section 12033 is added to the Penal Code, to read:

12033. Notwithstanding any provision of law or any local ordinance to the contrary, in the case of any misdemeanor provided for in this code in which a firearm is used in the commission of, or attempt to commit, such misdemeanor, and such firearm does not come within the provisions of Section 12028, any officer of the state, or of a county, city and county or city, having possession of such firearm may destroy the firearm or cause it to be destroyed.

Weapons subject to destruction pursuant to this section shall be destroyed between the 1st and 10th days of July, in each year, to such extent that they shall be wholly and entirely ineffective and useless for the purpose for which they were manufactured. If any weapon has been stolen and is thereafter recovered from the thief or his transferee, it shall not be destroyed but shall be restored to the lawful owner, as soon as its use as evidence has been served, upon his identification of the weapon and proof of ownership.

CHAPTER 790

An act to amend Section 19506 of the Revenue and Taxation Code, relating to the Senior Citizens Property Tax Assistance Law.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 19506 of the Revenue and Taxation Code is amended to read:

19506. "Property tax" shall mean only those taxes paid currently which are assessed for fiscal years ending on or after June 30, 1968. Included taxes are those amounts which, if unpaid, are delinquent on December 10 and April 10 of fiscal years ended on the succeeding June 30.

When a homestead is owned by two or more individuals as joint tenants or tenants in common and one or more of such persons is not a member of the claimant's household, the term "property tax" shall include only that part of the taxes levied which reflects the ownership of the claimant and other members of the household.

The property tax proration required by the preceding sentence shall not apply if:

(a) A joint tenancy is limited to the claimant and one or more of the following:

(1) The claimant's spouse,

(2) The parents, children (natural or adopted), or grandchildren of either the claimant or the claimant's spouse; and

(b) The taxes for which assistance is claimed were paid entirely by the claimant or members of the claimant's household.

SEC. 2. This act shall be operative with respect to property taxes paid for the 1969–1970 fiscal year and fiscal years thereafter.

CHAPTER 791

An act to amend Sections 25457.3 and 25457.8 of the Education Code, relating to the reorganization of school districts.

[Approved by Governor August 22, 1969 Filed with Secretary of State August 26, 1969]

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.

The Board of Governors of the California Community Colleges may grant a further extension of time for the submitting of plans and recommendations where such submission is its responsibility. Such extension shall not exceed one year.

SEC. 2. Section 25457 8 of the Education Code is amended to read:

25457.8. If the county committee on school district organization fails to submit plans and recommendations, as provided in Section 25457.2, except when a one-year extension of time has been given under the provisions of Section 25457.3 and this section, the Department of Education shall prepare a plan or plans and submit them to the State Board of Education on or before September 15, 1968, for its approval. If the one-year extension of time has been given under the provisions of Section 25457.3 and this section, the Department of Education shall prepare a plan or plans and submit them to the State Board of Education on or before September 15, 1969, for its approval. Plans formulated by the Department of Education may include any or all provisions authorized to be included in a recommendation of a county committee pursuant to Chapter 10 (commencing with Section 3101), Division 5, and Chapter 2 (commencing with Section 25430), Division 18.5, of the Education Code.

When submitting of plans and recommendations for a territory has become the responsibility of the Board of Governors of the California Community Colleges, and such territory may be affected by a study of the feasibility of an interstate junior college district, the board of governors may grant an extension of time for the preparation of plans and recommendations. Such extension shall not exceed two years.

CHAPTER 792

An act relating to state school building aid.

[Approved by Governor August 22, 1969 Filed with Secretary of State August 26, 1969]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding the provisions of Section 19590 of the Education Code, where a school district has annexed a lapsed school district as a result of action by the board of supervisors pursuant to Section 2704 of the Education Code and thereafter makes an application for an apportionment, the assessed valuation of such annexed territory shall be excluded for the purposes of determining the maximum amount of bonds which the district is required to issue and sell unless the annexed territory has participated in an election of the annexing district to issue and sell bonds.

This section shall apply only to a school district which meets all of the following conditions:

(a) The factor computed for the territory of the district pursuant to Section 17261 of the Education Code for the 1968–1969 fiscal year was 0.920.

(b) The assessed valuation of the district for the 1968–1969 fiscal year did not exceed thirteen million dollars ($13,000,000).

(c) The governing board of the district has transmitted to the State Allocation Board a written notice stating that the district requests consideration under the provisions of this act.

This section shall be operative until July 1, 1971.

CHAPTER 793

An act to amend Section 21252.001 of the Government Code, relating to local miscellaneous members of the Public Employees' Retirement System.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 21252.001 of the Government Code is amended to read:

21252.001. The current service pension for a local miscellaneous member who is an employee of a contracting agency which is subject to the provisions of this section and who retires upon or after attaining age 65, is a pension, derived from the contributions of the contracting agency sufficient, when added to the service retirement annuity that is derived from the accumulated normal contributions of the member at the date of his retirement, to equal one-seventieth of his final compensation multiplied by the number of years of current service rendered as an employee of the contracting agency, except service in a membership category other than that of a local miscellaneous member, with which he is entitled to be credited at retirement. If such a member retires before attaining age 65, the current service pension shall be reduced to that amount which the value of the pension as deferred to age 65 will purchase at the actual age at retirement on the basis of interest rates and mortality tables used under the system with respect to such members.

This section shall apply only to those contracting agencies which were subject to it on the effective date of the amendment to this section at the 1969 Regular Session of the Legislature.

CHAPTER 794

An act to amend Section 19582 of the Government Code, relating to disciplinary proceedings in civil service.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 19582 of the Government Code is amended to read:

19582. (a) Hearings may be held by the board, or by any authorized representative, but the board shall render the decision which in its judgment is just and proper.

(b) If a contested case is heard by an authorized representative he shall prepare a proposed decision in such form that it may be adopted as the decision in the case. A copy of the proposed decision shall be filed by the board as a public record and furnished to each party within 10 days after the proposed decision is filed with the board. The board itself may adopt the proposed decision in its entirety, or may reduce the punitive action set forth therein and adopt the balance of the proposed decision.

(c) If the proposed decision is not adopted as provided in subdivision (b) each party shall be notified of such action, and the board itself may decide the case upon the record, including the transcript, with or without taking any additional evidence, or may refer the case to the same or another authorized representative to take additional evidence. If the case is so assigned to an authorized representative he shall prepare a proposed decision as provided in subdivision (b) upon the additional evidence and the transcript and other papers which are part of the record of the prior hearing. A copy of such proposed decision shall be furnished to each party. The board itself shall decide no case provided for in this subdivision without affording the parties the opportunity to present oral and written argument before the board itself. If additional oral evidence is introduced before the board itself no board member may vote unless he heard the additional oral evidence.

(d) In arriving at a decision or a proposed decision the board or its authorized representative may consider any prior suspension or suspensions of appellant by authority of any appointing power, or any prior proceedings under this article.

(e) The decision shall be in writing and contain findings of fact and the punitive action, if any. The findings may be stated in the language of the pleadings or by reference thereto. Copies of the decision shall be delivered to the parties personally or sent to them by registered mail.

CHAPTER 795

An act to amend Section 13325 of the Education Code, relating to certificated school employees.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 13325 of the Education Code is amended to read:

13325. Except in districts situated wholly or partly within the boundaries of a city or city and county where the charter of the city or city and county provides an age at which employees, including certificated employees of the districts, shall be retired, when a permanent or probationary employee reaches the age of 65 years, his permanent or probationary classification shall cease and thereafter employment shall be from year to year at the discretion of the governing board. Any certificated employee who is not reemployed under the provisions of this section, and who has not completed the requirements for full retirement salary, shall be deemed to have been retired on account of physical disability.

CHAPTER 796

An act to amend Section 15352.5 of the Education Code, relating to school classrooms.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 15352.5 of the Education Code is amended to read:

15352.5. Section 15352 shall not apply to trailer coaches used for classrooms or laboratories if such trailer coaches conform to the requirements of Part 2 (commencing with Section 18000) of Division 13 of the Health and Safety Code, and the rules and regulations promulgated thereunder, concerning mobilehomes and are readily movable, not expanded or fitted together with other sections to form one unit greater than 16 feet in width, not placed upon fixed foundations, and used for special educational purposes and are used by not more than 12 students at a time, except that such trailer coaches may be used by not more than 20 students at a time for driver training purposes.

The purchase and use of such trailer coaches shall be at all times under the direct supervision of the county superintendent of schools.

CHAPTER 797

An act to add Section 23465 to the Education Code, relating to Hastings College of the Law, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 23465 is added to the Education Code, to read:

23465. The Director of General Services shall transfer the property located at 55 and 75 Hyde Street in the City and County of San Francisco to the University of California to be used for the benefit of the Hastings College of the Law for school purposes.

The university shall have the power to sell or lease the property to a nonprofit corporation in order to provide housing facilities for the students, faculty, and employees of the college.

If such property is sold, it shall be sold for its fair market value, with such valuation approved by the Department of Finance, and the proceeds of the sale shall be deposited in the General Fund. If such property is leased, the proceeds of the lease shall be deposited in the General Fund.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to assure the continued availability of the property in question for use by the Hastings College of Law and to alleviate a serious housing shortage for the students, faculty, and employees of the Hastings College of the Law, it is necessary that this act take effect immediately.

CHAPTER 798

An act to amend Sections 13114, 13144.1, and 13144.2 of the Health and Safety Code, relating to fire protection.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 13114 of the Health and Safety Code is amended to read:

13114. The State Fire Marshal shall adopt necessary regulations for the approval and listing of fire alarm and automatic sprinkler systems. In adopting such regulations, the State Fire Marshal shall consider the standards of the National Fire Protection Association.

SEC. 2. Section 13144.1 of the Health and Safety Code is amended to read:

13144.1. The State Fire Marshal shall biennially prepare and publish listings of construction materials and equipment and methods of construction and of installation of equipment,

together with the name of any person, firm, corporation, association, or similar organization designated as the manufacturer, representative, or supplier, which are in conformity with fire and panic safety standards provided by Title 19 of the California Administrative Code. The State Fire Marshal shall in alternate years prepare and publish revisions to the listings.

Copies of such listings or revisions shall be distributed by the State Fire Marshal at the costs incurred by him for the printing and distribution of such listings or revisions to persons who have submitted written requests for such approved listings or revisions.

The purpose of this section is to provide enforcement authorities, architects, engineers, contractors, local building officials, and any other interested persons, with a reliable and readily available source of information of construction materials, equipment, methods of construction, and installation of equipment which meet the minimum requirements established by the State Fire Marshal, pursuant to Sections 13108 and 13143. No person, firm, corporation, association, or similar organization shall be denied listing if the material to be listed is approved by a testing organization using testing procedures approved by the State Fire Marshal pursuant to Title 19 of the California Administrative Code.

It shall not be construed that because a material, assemblies of materials, method of construction and installation of equipment has not been listed, as provided by this section, that such a material, assemblies of materials, method of construction and installation of equipment does not conform to the fire and panic safety standards provided by Title 19 of the California Administrative Code.

SEC. 3. Section 13144.2 of the Health and Safety Code is amended to read:

13144.2. Any person, firm, corporation, association, or similar organization desiring listing pursuant to Section 13144.1 shall, prior to placement on any list or revision thereto, make an original or annual renewal application to the State Fire Marshal on forms provided by him. Original applications shall be accompanied by both an application fee and a listing fee. Renewal applications shall be accompanied by a listing fee. An application for revision shall be accompanied by a revision fee.

Failure to submit an annual renewal application and listing fee shall automatically cause removal of the material, equipment, method of construction, or installation of equipment from the listings or revision thereto.

The original application fee, the listing fee and the revision fee shall be as follows:

(a) Except as provided in subdivisions (b) and (c), the original application fee for evaluation of a construction material, assembly of materials, equipment (including fire alarm control units), method of construction, or method of installation of equipment for any person, firm, corporation, associa-

tion, or similar organization shall be fifty dollars ($50). The listing fee for each construction material, assembly of materials, equipment (including fire alarm control units), method of construction, or method of installation of equipment for any person, firm, corporation, association, or similar organization shall be thirty-five dollars ($35).

(b) The original application fee for evaluation of a fire alarm or automatic sprinkler device for any person, firm, corporation, association, or similar organization shall be twenty-five dollars ($25). The listing fee for each fire alarm or automatic sprinkler device for any person, firm, corporation, association, or similar organization shall be twenty-five dollars ($25).

(c) The application for revision of any listing shall be accompanied by a revision fee in the amount of one-half of the original application fee.

The State Fire Marshal may designate in generic terms, without application or fee, materials or assemblies of materials classed by him as industrywide, by regulations adopted pursuant to Sections 13108 and 13143.

CHAPTER 799

An act to amend Sections 18008, 18012, 18211, and 18218 of the Health and Safety Code, relating to vehicles.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 18008 of the Health and Safety Code is amended to read:

18008. "Mobilehome" is a vehicle designed and equipped for human habitation, and for being drawn by a motor vehicle.

SEC. 2. Section 18012 of the Health and Safety Code is amended to read:

18012. "Commercial coach" is a vehicle, with or without motive power, designed and equipped for human occupancy for industrial, professional or commercial purposes, and shall include a trailer coach.

SEC. 3. Section 18211 of the Health and Safety Code is amended to read:

18211. "Mobilehome" is a vehicle designed and equipped for human habitation, and for being drawn by a motor vehicle.

SEC. 4. Section 18218 of the Health and Safety Code is amended to read:

18218. "Commercial coach" is a vehicle, with or without motive power, designed and equipped for human occupancy for industrial, professional or commercial purposes, and shall include a trailer coach.

CHAPTER 800

An act to amend Sections 183 and 185 of the Water Code, to amend Sections 13050, 13305, 13320, 13413, 13604, 13806, and 13907, as proposed to be added to the Water Code by Assembly Bill No. 413, to amend the heading of Article 3 (commencing with Section 13240) of Chapter 4 of Division 7, as proposed to be added to the Water Code by Assembly Bill No. 413, to amend Section 30 of Assembly Bill No. 413, to add Chapter 12 (commencing with Section 13950) to Division 7, as proposed to be added to the Water Code by Assembly Bill No. 413, to repeal Sections 33.5 and 37 of Assembly Bill No. 413, to amend Section 6103.4 of the Government Code, and to amend Section 32.9 of the Budget Act of 1969, relating to water quality, and making an appropriation therefor.

[Approved by Governor August 22, 1969 Filed with Secretary of State August 26, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 183 of the Water Code is amended to read:

183. The board may hold any hearings and conduct any investigations in any part of the state necessary to carry out the powers vested in it, and for such purposes has the powers conferred upon heads of departments of the state by Article 2 (commencing with Section 11180), Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

Any hearing or investigation by the board, including hearings pursuant to Section 13245 but excluding all other hearings or investigations pursuant to Division 7 of this code, may be conducted by any member upon authorization of the board, and he shall have the powers granted to the board by this section, but any final action of the board shall be taken by a majority of all the members of the board, at a meeting duly called and held.

All hearings held by the board or by any member thereof shall be open and public.

SEC. 2. Section 185 of the Water Code is amended to read:

185. The board shall adopt rules for the conduct of its affairs in conformity, as nearly as practicable, with the provisions of Chapter 4.5 (commencing at Section 11371), Part 1, Division 3, Title 2 of the Government Code.

SEC. 2.5. Section 13050, as proposed to be added to the Water Code by Assembly Bill No. 413, is amended to read:

13050. As used in this division:

(a) "State board" means the State Water Resources Control Board.

(b) "Regional board" means any California regional water quality control board for a region as specified in Section 13200.

(c) "Person" also includes any city, county, district, the state or any department or agency thereof. "Person" includes the United States, to the extent authorized by federal law.

(d) "Waste" includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature.

(e) "Waters of the state" means any water, surface or underground, including saline waters, within the boundaries of the state.

(f) "Beneficial uses" of the waters of the state that may be protected against quality degradation include, but are not necessarily limited to, domestic, municipal, agricultural and industrial supply; power generation; recreation; esthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves.

(g) "Quality of the water" or "quality of the waters" refers to chemical, physical, biological, bacteriological, radiological, and other properties and characteristics of water which affect its use.

(h) "Water quality objectives" means the limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area.

(i) "Water quality control" means the regulation of any activity or factor which may affect the quality of the waters of the state and includes the prevention and correction of water pollution and nuisance.

(j) "Water quality control plan" consists of a designation or establishment for the waters within a specified area of (1) beneficial uses to be protected, (2) water quality objectives, and (3) a program of implementation needed for achieving water quality objectives.

(k) "Contamination" means an impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. "Contamination" shall include any equivalent effect resulting from the disposal of waste, whether or not waters of the state are affected.

(*l*) "Pollution" means an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects: (1) such waters for beneficial uses, or (2) facilities which serve such beneficial uses. "Pollution" may include "contamination."

(m) "Nuisance" means anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and (2) affects at the same time an entire community or neighborhood, or any

considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and (3) occurs during or as a result of the treatment or disposal of wastes.

(n) "Reclaimed water" means water which, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would not otherwise occur.

(o) "Citizen or domiciliary" of the State of California includes a foreign corporation having substantial business contacts in the State of California or which is subject to service of process in this state.

SEC. 3. The heading of Article 3 (commencing with Section 13240) of Chapter 4 of Division 7, as proposed to be added to the Water Code by Assembly Bill No. 413, is amended to read:

Article 3. Regional Water Quality Control Plans

SEC. 4. Section 13305, as proposed to be added to the Water Code by Assembly Bill No. 413, is amended to read:

13305. (a) Upon determining that a condition of pollution or nuisance exists which has resulted from a nonoperating industrial or business location within its region, a regional board may cause notice of such condition to be posted upon the property in question. The notice shall state that such condition constitutes either a condition of pollution or nuisance which must be abated by correction of such condition, otherwise it will be corrected by the city, county, other public agency, or regional board at the property owner's expense. Such notice shall further state that all property owners having any objections to the proposed correction of such condition may attend a hearing to be held by the board at a time not less than 10 days from the posting of the notice.

(b) Notice of the hearing prescribed in this section shall be given in the county where the property is located pursuant to Section 6061 of the Government Code.

(c) In addition to posting and publication, notice as required in this section shall be mailed to the property owners as their names and addresses appear from the last equalized assessment roll.

(d) At the time stated in the notices, the board shall hear and consider all objections or protests, if any, to the proposed correction of the condition, and may continue the hearing from time to time.

(e) After final action is taken by the board on the disposition of any protests or objections, or in case no protests or objections are received, the board shall request the city, county, or other public agency in which the conditions of pollution or the nuisance exists to abate it. In the event that such city, county, or other public agency does not abate such condition within a reasonable time the board shall cause

the condition to be abated. It may proceed by force account, contract or other agreement or any other method deemed most expedient by the board, and shall apply to the state board for the necessary funds.

(f) The owner of the property on which the condition exists, or is created, is liable for all reasonable costs incurred by the board or any city, county, or public agency in abating the condition and the amount of the cost for abating the condition upon the property in question shall constitute a lien upon the property and notice of such lien and the amount thereof shall be recorded in the county in which the property is located. Upon such recordation, the lien shall 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 lien may be foreclosed by an action brought by the city, county, other public agency, or state board, on behalf of the regional board, for a money judgment. Money recovered by a judgment in favor of the state board shall be returned to the State Water Pollution Cleanup and Abatement Account.

(g) As used in this section, the words "nonoperating" or "not in operation" means the business is not conducting routine operations usually associated with that kind of business.

SEC 4 5. Section 13320, as proposed to be added to the Water Code by Assembly Bill No. 413, is amended to read:

13320. (a) Upon petition by any aggrieved person or upon its own motion, the state board may at any time review any action or failure to act by a regional board under subdivision (c) of Section 13225, Article 4 (commencing with Section 13260) of Chapter 4 of this division, Chapter 5 (commencing with Section 13300) of this division, or Chapter 7 (commencing with Section 13500) of this division.

(b) The evidence before the state board shall consist of (i) the record before the regional board, and (ii) any other relevant evidence which, in the judgment of the state board, should be considered to effectuate and implement the policies of this division.

(c) The state board may find the regional board action or inaction to be appropriate and proper. Upon finding that the action of the regional board, or the failure of the regional board to act, was inappropriate or improper, the state board may: (1) direct that the appropriate action be taken by the regional board, (2) refer the matter to any other state agency having jurisdiction, (3) take the appropriate action itself, or (4) any combination of the foregoing. In taking any such action, the state board is vested with all the powers of the regional boards under this division.

(d) In the event a waste discharge in one region affects the waters in another region and there is any disagreement between the regional boards involved as to the requirements

which should be established, either regional board may submit the disagreement to the state board which shall determine the applicable requirements.

SEC. 5. Section 13413, as proposed to be added to the Water Code by Assembly Bill No. 413, is amended to read:

13413. It is the policy of this state that, in making construction loans under this article, the state board should give special consideration to facilities proposed to be constructed by public agencies in areas in which further construction of buildings has been halted by order of the Department of Public Health or a local health department, or both, or notice has been given that such an order is being considered; provided, however, that the public agencies designated in this section shall otherwise comply with and meet all requirements of other provisions of this chapter.

SEC. 6. Section 13604, as proposed to be added to the Water Code by Assembly Bill No. 413, is amended to read:

13604. The state board shall review and approve each waste collection, treatment, and disposal project for which an application for a grant under the act has been made. The state board shall, in reviewing each project, determine whether such project is in conformity with state policy for water quality control and in conformity with water quality control plans adopted by regional boards, and shall certify that such project is entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs.

SEC. 7. Section 13806, as proposed to be added to the Water Code by Assembly Bill No. 413, is amended to read:

13806. Any action, report, or determination taken or adopted by a regional board or any failure of a regional board to act pursuant to this article, or any county or city ordinance in the event of the failure of a regional board to review such ordinance pursuant to Section 13804, 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 county or city, in the same manner as other action or inaction of the regional board is reviewed pursuant to Section 13320. The state board has the same powers as to the review of action or inaction of a regional board or of a county or city ordinance under this article as it has as to other action or inaction of a regional board under Section 13320, including being vested with all the powers granted a regional board under this article, with like force and effect if it finds that appropriate action has not been taken by a regional board. Any action of a regional board under this article or any county or city ordinance affected by the review of the state board shall have no force or effect during the period of the review by the state board.

SEC. 8. Section 13907, as proposed to be added to the Water Code by Assembly Bill No. 413, is amended to read:

13907. Any action, report, determination, or regulation taken or adopted by a regional board, or any failure of a regional board to act may be reviewed by the state board, and shall be reviewed by the state board on the request of any affected city or county. The state board has all powers as to the review of action or inaction of a regional board under this article as it has to other action or inaction of a regional board, including all powers granted to a regional board to initially determine areas in which discharges of waste from houseboats are inadequately regulated by local ordinance and to adopt regulations when a city or county fails to do so, if the state board finds that appropriate action has not been taken by a regional board. Any action of a regional board under this chapter or any city or county ordinance affected by the review of the state board shall have no force or effect during the period of the review by the state board.

SEC. 9. Chapter 12 (commencing with Section 13950) is added to Division 7, as proposed to be added to the Water Code by Assembly Bill No. 413, to read:

CHAPTER 12. SPECIAL WATER QUALITY PROVISIONS

13950. Notwithstanding any other provision of law, upon any district in the Lake Tahoe Basin providing in any area of the district a sewer system and treatment facilities sufficient to handle and treat any resultant waste and transportation facilities sufficient to transport any resultant effluent outside the Lake Tahoe Basin, the further maintenance or use of cesspools or other means of waste disposal in such area is a public nuisance and the district shall require all buildings from which waste is discharged to be connected with the sewer system within a period of not less than 90 days from the completion of such system and facilities.

SEC. 10. Section 30 of Assembly Bill No. 413 is amended to read:

Sec. 30. Notwithstanding the provisions of this act, all members of a California regional water quality control board on the effective date of this act shall continue to serve as members of such board pursuant to Section 13201 of the Water Code for the remainder of the term for which they were appointed. The Governor shall appoint two additional members to each regional board who shall meet the qualifications requiring special competence of paragraph (7) of subdivision (a) of Section 13201 of the Water Code. The term of one member so appointed to the board, who shall be designated by the Governor, shall expire on September 30, 1972, and the term of the other such member shall expire on September 30, 1973, and thereafter such members shall be appointed for a term of four years.

SEC. 11. Section 33.5 of Assembly Bill No. 413 is repealed.

SEC. 12. Section 37 of Assembly Bill No. 413 is repealed.

SEC. 12.5. Section 6103.4 of the Government Code is amended to read:

6103.4. Section 6103 does not apply to any fee or charge for official services required by Part 5 (commencing with Section 4999) of Division 2 of the Water Code or subdivision (d) of Section 13260 of the Water Code.

SEC. 13. Section 32.9 of the Budget Act of 1969 is amended to read:

Sec. 32.9. During the 1969–70 fiscal year only, the fees collected under the provisions of subdivision (d) of Section 13260 of the Water Code, as added by Assembly Bill 413 at the 1969 Regular Session, are hereby appropriated in augmentation of the appropriation for support of the State Water Resources Control Board made by Item 264, Budget Act of 1969.

SEC. 14. This act shall become operative only if Division 7 of the Water Code, as proposed by Assembly Bill No. 413, is enacted by the Legislature at its 1969 Regular Session and in such case at the same time as Assembly Bill No. 413 becomes operative.

CHAPTER 801

An act to add Section 407 to the Education Code, relating to annuity contracts for employees.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 407 is added to the Education Code, to read:

407. The Director of Education, subject to such additional conditions as the State Board of Education may establish, may purchase annuity contracts for permanent employees of the California Department of Education and the California Maritime Academy, and shall reduce the salary of an employee for whom such contract is purchased by the amount of the cost thereof provided that all of the following conditions are met:

(a) The annuity contract is under an annuity plan which meets the requirements of subdivision (b) of Section 403 of the Internal Revenue Code of 1954 of the United States and Section 17512 of the Revenue and Taxation Code.

(b) The employee makes application to the director for such purchase and reduction of salary.

(c) All provisions of the Insurance Code and the Government Code applicable to the purchase of such annuities are satisfied.

CHAPTER 802

An act to amend Section 5005 of the Public Utilities Code, relating to the Transportation Rate Fund.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

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 1010, 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 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 803

An act to add Section 1752.85 to the Welfare and Institutions Code, relating to Youth Authority sales.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 1752.85 is added to the Welfare and Institutions Code, to read:

1752.85. The Director of the Youth Authority may authorize the sale of articles of handiwork made by wards under the jurisdiction of the authority to the public at Youth Authority institutions, in public buildings, at fairs, or on property operated by nonprofit associations. The cost of any state property used for the manufacture of articles shall be paid for out of funds received from the sale of the articles. The remainder of any funds received from the sale of the articles shall be placed in the ward's trust account pursuant to Section 1752.8 of the Welfare and Institutions Code.

CHAPTER 804

An act to amend Section 11460 of the Penal Code, relating to paramilitary organizations.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 11460 of the Penal Code is amended to read:

11460. Any two or more persons who assemble as a paramilitary organization for the purpose of practicing with weapons shall be punished by imprisonment in the county jail for not more than one year or by a fine of not more than one thousand dollars ($1,000), or by both.

As used in this section, "paramilitary organization" means an organization which is not an agency of the United States government or of the State of California, or which is not a private school meeting the requirements set forth in Section 12154 of the Education Code, but which engages in instruction or training in guerilla warfare or sabotage, or which, as an organization, engages in rioting or the violent disruption of, or the violent interference with, school activities.

CHAPTER 805

An act relating to bridge and highway districts.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds that in 1971 the Golden Gate Bridge and Highway District will be free of bonded indebtedness. The prospective continuing role of the district and its responsibilities is a policy question of major import to the citizens of California, the persons and communities regularly served by the Golden Gate Bridge, the district, and the Legislature.

It is desirable, therefore, that all concerned have a common basis for considering the issues and exercising judgment. To this end, the Golden Gate Bridge and Highway District is directed to develop a transportation facilities plan.

SEC. 2. The transportation facilities plan shall include, but not be limited to, the following:

(a) A definition of the district's future responsibilities for providing transportation services. Alternative proposals are encouraged. Abolishment of the district should be one alterna-

tive, in which case recommendations should be made for necessary transfer of powers and duties.

(b) A priority schedule for assuming each of any proposed added responsibilities.

(c) Necessary changes in the district's organizational structure in order to be responsive to any changed responsibilities.

(d) An estimate of the expenditures that may be necessary to support any added responsibilities.

(e) A definition of any capital improvements that may be required.

(f) A long-range estimate of bridge revenues, operating costs, and net revenues that may be available as required to provide proposed transportation services.

(g) A special element addressed to the interfacing of transportation modes.

(h) Explicit consideration must be given to the environmental and social values of the communities affected.

SEC. 3. In developing the transportation facilities plan, the district shall hold public hearings so that interested persons and organizations are provided an opportunity to express their viewpoints

SEC. 4. The district shall submit its plan to the Legislature by the 90th calendar day of the 1971 Regular Session of the Legislature.

SEC. 5. The district may study, construct, acquire, improve, maintain, and operate any and all modes of transportation within the district, including, but not limited to, water transportation; may join with any cities, counties, cities and counties, districts, or state agencies, or any combinations thereof, to study and to provide any such mode or modes of transportation as may be deemed by the board of directors of the district to be reasonable and appropriate to provide or to assist in providing transportation within the district; and may pay for or finance, in whole or in part, any such study and the provision of any such mode of transportation from the district's net revenue.

SEC. 6. The district, however, may not, from the effective date of this act until 120 days after the submission of its plan to the Legislature pursuant to Section 4, initiate any action designed to add a second deck to the Golden Gate Bridge.

SEC 7. Furthermore, the public transportation activities of the district shall be subject to the following limitations which shall remain in effect until 120 days after the submission of its plan to the Legislature pursuant to Section 4:

(a) Not more than 50 percent of the district's net revenue may be used for providing bus transit services within the district.

(b) Not more than 30 percent of the district's net revenue may be expended and accumulated for expenditure for water transportation services.

(c) The remaining net revenue shall be accumulated for the purpose of implementing the provisions of the transportation facilities plan of the district.

SEC. 8. Prior to the expenditure of any funds authorized under subdivisions (a) and (b) of Section 7, the board of directors shall determine:

(a) The amount which the counties served by the bus transit or water transportation system operated by the district, shall contribute to the operation of such a system for benefits derived from intracounty operation connected with or related to such a system.

(b) That the board of supervisors of these counties have made a commitment to contribute the amount specified in subdivision (a).

SEC. 9. For purposes of this act, "net revenue" means the district revenues and other available funds, including reserves existing at the time of the enactment of this act, which are not required to be set aside to meet the outstanding obligations of the district under Sections 27300 and 27300a of the Streets and Highways Code, and Section 2 of Chapter 1505 of the Statutes of 1945 and Section 1 of Chapter 1946 of the Statutes of 1963, as amended by Chapter 1366 of the Statutes of 1968.

CHAPTER 806

An act to amend Section 9801 of the Business and Professions Code, relating to electronic repair dealers.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 9801 of the Business and Professions Code is amended to read:

9801. The following terms as used in this chapter have the meaning expressed in this section:

(a) "Person" includes firm, partnership, association or corporation.

(b) "Department" means the Department of Professional and Vocational Standards.

(c) "Director" means the Director of Professional and Vocational Standards.

(d) "Bureau" means the Bureau of Electronic Repair Dealer Registration.

(e) "Chief" means the Chief of the Bureau of Electronic Repair Dealer Registration.

(f) "Board" means the Advisory Board, Bureau of Electronic Repair Dealer Registration.

(g) "Service dealer" means a person who, for compensation, engages in the business of repairing, servicing, or maintaining television, radio, tape recorders, or phonograph equipment normally used or sold for use in the home.

(h) "Complainant" means the customer of a service dealer who has complained to the director concerning such service dealer.

CHAPTER 807

An act to add Section 14115.5 to the Welfare and Institutions Code, relating to medical assistance.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 14115.5 is added to the Welfare and Institutions Code, to read:

14115.5. Moneys payable or rights existing under this chapter shall be subject to any claim, lien or offset of the State of California, and any claim of the United States of America made pursuant to federal statute, but shall not otherwise be subject to execution, levy, attachment, garnishment, or other legal process, and no transfer or assignment, at law or in equity, of any right of a provider of health care to any payment shall be enforceable against the state, a fiscal intermediary, carrier, or prepayment plan.

CHAPTER 808

An act to amend Section 36105 of the Vehicle Code, relating to implements of husbandry.

[Approved by Governor August 22, 1969 Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 36105 of the Vehicle Code is amended to read:

36105. A trailer or semitrailer owned and used exclusively by a farmer to haul his own implements of husbandry, or a portable sanitary facility, or tools used exclusively for the production or harvesting of agricultural products is exempt from registration.

CHAPTER 809

An act to amend Sections 19140, 19141, 19170, and 19253 of, to add Section 19171 to, and to repeal Sections 19171, 19364, and 19398 of, the Government Code, relating to reinstatement and probation in the state civil service.

[Approved by Governor August 22, 1969 Filed with Secretary of State August 26, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 19140 of the Government Code is amended to read:

19140. Subject to board rule an appointing power may reinstate any person having probationary or permanent status (a) who resigned from his position without fault or delinquency on his part, or (b) who vacated his position to accept another civil service or non-civil-service position without a break in continuity of state service.

Reinstatement after resignation shall be within three years. Time spent (a) in a position which is exempt from civil service or (b) as a temporary employee in another governmental agency engaged in a technical cooperation program under an agreement approved by the state or (c) in the recognized military service shall not be considered in computing the three-year period.

Reinstatement after vacating a position to accept another position may be made at any time as long as the employee remains in state service except that such reinstatement privilege for members of the California Highway Patrol shall be limited to three years

Such reinstatements may be to a position (a) in the class vacated or from which resigned, or (b) in a lower class in the same series, or (c) in a lower class in a related series requiring similar types of qualifications and knowledges and abilities, or (d) in another class having substantially similar duties, responsibilities, and qualifications, and substantially the same salary range.

SEC. 2. Section 19141 of the Government Code is amended to read:

19141. For the purposes of this section, "employee" means a permanent employee, or an employee serving under another appointment who previously had permanent status and who, since such permanent status, has had no break in the continuity of his state service. The provisions of this section apply when an employee accepts another position or appointment without a break in the continuity of state service.

(a) An employee who has vacated a position to accept another position in the same class; in a higher class; or a class with substantially the same level of duties, responsibility and salary under temporary appointment or limited-term ap-

pointment shall, if he so desires, at the termination of such appointment, be reinstated to his former position.

(b) An employee who has vacated a position to accept another position in the same class; in a higher class; or a class with substantially the same level of duties, responsibility and salary, and who is rejected during the probationary period shall, if he requests within 10 working days, be reinstated to his former position.

(c) Except as provided in paragraphs (d), (e), and (g), an employee who has vacated a position to accept appointment to an exempt position shall be reinstated in accordance with the provisions of paragraph (i) of this section, if he so desires, at any time within six months after vacating such former position, and may, with the consent of the appointing power of the vacated position, be reinstated to such former position at any time.

(d) An employee who has vacated a position to accept appointment by the Governor to an office to serve at his pleasure or for a fixed term or by the Legislature, shall if he so desires, at the termination of such appointment, or term of office, or any extension thereof, by operation of law or by new appointment, be reinstated in accordance with the provisions of paragraph (i) of this section.

An employee who has vacated a position to accept appointment by any court of record in this state or any justice, judge or clerk thereof, or by the Judicial Council, shall if he so desires, at the termination of such appointment, or term of office, or any extension thereof, by operation of law or by new appointment, be reinstated in accordance with the provisions of paragraph (i) of this section.

(e) An employee who has vacated a position to accept an appointment to a position herein defined as "an exempt deputy or assistant position" shall, if he so desires, at the termination of such appointment, or term of office, or any extension thereof, by operation of law or by new appointment, be reinstated in accordance with the provisions of paragraph (i) of this section; provided, however, that such employee shall return to his former position within four years after vacating his former position.

For the purposes of this section, the term "an exempt deputy or assistant position" shall include:

(1) A confidential position to any officer mentioned in paragraph (1) or (2) of subdivision (a) of Section 4 of Article XXIV of the State Constitution, as the term "confidential position" is used in paragraph (5) of said Section 4 of Article XXIV;

(2) A position exempt from civil service under paragraph (6) of subdivision (a) of Section 4 of Article XXIV of the State Constitution;

(3) A position exempt from civil service under the provisions of Section 22 of Article XX of the State Constitution;

(4) A position exempt from civil service under the provisions of Section 2.1 of Article IX of the State Constitution; and

(5) A position filled by any of the deputies or assistants appointed by the Attorney General and exempt from civil service under the provisions of Section 15003 or 18592 of the Government Code.

(f) When an employee has vacated a position to accept appointment to an exempt position and is laid off from that position his name shall be placed upon all appropriate layoff lists the same as if he had been laid off from the position which he vacated to accept appointment to such exempt position.

(g) An employee who has vacated a position to accept appointment to an exempt position in the same department, board, commission, or state agency, shall, if he so desires, at the termination of such appointment, or any extension thereof by operation of law or new appointment, be reinstated to his former position.

(1) An employee who has vacated a position to accept another position in a lower class under the same appointing power shall, if he so desires, at the termination of a temporary or limited term appointment or if rejected during the probationary period, be reinstated to his former position.

(h) Tenure in a position or office filled by appointment by the Governor, or by the Legislature, or by any court of record of this state or any justice, judge or clerk thereof, or by the Judicial Council, or in a position defined as "an exempt deputy or assistant position" pursuant to paragraph (e) of this section, upon the return of the employee to a civil service position, shall be deemed to be time served in such civil service position, for the purpose of determining his seniority and eligibility for merit increases.

(i) Placement by reinstatement shall be the responsibility of the appointing power of the department, board, commission, or state agency wherein the employee was serving at the time of the exempt appointment and shall be one of the following:

(1) Any position with the same appointing power in the class in which he was serving at the time of his exempt employment; or

(2) A vacant position in any department, commission, or state agency for which he is qualified at substantially the same level.

(j) The amendments to this section enacted by the 1961 Regular Session of the Legislature shall not be effective with respect to any employee who does not have a right on the effective date of the amendments to be reinstated without the consent of the appointing power pursuant to this section as it read immediately prior to the amendments.

SEC. 3. Section 19170 of the Government Code is amended to read:

19170. The board shall establish for each class the length of the probationary period. The probationary period which shall be served upon appointment shall be six months unless the board establishes a longer period of not more than one year.

The board may provide by rule: (a) for increasing the length of individual probationary periods by adding thereto periods of time during which an employee while serving as a probationer is absent from his position; or (b) for requiring an additional period not to exceed the length of the original probationary period when a probationary employee returns after an extended period of absence and the remainder of the probationary period is insufficient to evaluate his current performance.

SEC. 4. Section 19171 of the Government Code is repealed.

SEC. 5. Section 19171 is added to the Government Code, to read:

19171. The service of a probationary period is required under the following circumstances: (a) when an employee enters or is promoted in the state civil service by permanent appointment from an employment list, (b) upon reinstatement after a break in continuity of service resulting from a permanent separation, or (c) after any other type of appointment situation not specifically excepted from the probationary period requirement by statute or by board rule.

SEC. 6. Section 19253 of the Government Code is amended to read:

19253. Subject to approval by the board an appointing power with the concurrence or at the request of an employee may request the voluntary demotion of such employee to a vacant position.

If the class to which the demotion is proposed requires qualifications, knowledges, or abilities not measured by the examination for the class from which demotion is proposed, the board may examine the employee for the possession of those additional qualifications, knowledges, and abilities.

SEC. 7. Section 19364 of the Government Code is repealed.

SEC. 8. Section 19398 of the Government Code is repealed.

CHAPTER 810

An act to amend Sections 213.1 and 383 of the Elections Code, relating to voter registration.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 213.1 of the Elections Code is amended to read:

213.1. The county clerk of any county in this state may take the affidavit of registration of any elector who resides or claims residence in another county in this state if it is within seven days prior to the close of registration for any statewide primary or general election, and the elector will not have sufficient time to either return to his county of residence to register or write for registration by mail before the close of registration for the election. The affidavit shall be forwarded to the county clerk of the county in which the elector resides. The county clerk of the county in which the elector resides shall copy the information from the affidavit of registration on to the form used in his county and shall forward the copied form to the elector for signature. The signature shall not need verification other than comparison by the county clerk on return. The original affidavit of registration shall serve to qualify the elector to vote in subsequent elections until the return of the copied form. The copied form when signed by the elector and returned to the county clerk shall, in all respects, serve as a valid affidavit of registration taken in the county in which the elector resides.

SEC. 2. Section 383 of the Elections Code is amended to read:

383. The county clerk shall cancel the registration in the following cases:

(a) At the request of the person registered.

(b) When the insanity of the person registered is legally established.

(c) Upon the production of a certified copy of a subsisting judgment of the conviction of the person registered of any infamous crime or of the embezzlement or misappropriation of any public money.

(d) Upon the production of a certified copy of a judgment directing the cancellation to be made.

(e) Upon the death of the person registered.

(f) If the person registered has not voted at the preceding general election unless the clerk, prior to the time he has canceled the registration, has had written notice from the voter that the voter still resides and has not removed from the residence address stated in the affidavit of registration, in which case he shall not cancel the registration, but it shall remain permanent unless canceled for any other cause enumerated in this section. If the county clerk has already canceled the affidavit of registration, then upon receipt of the proper information within 60 days after mailing the notice provided for in Section 387, he shall restore the affidavit of registration to the files.

CHAPTER 811

An act to add Section 3279.1 to the Health and Safety Code, relating to medical care.

[Approved by Governor August 22, 1969 Filed with Secretary of State August 26, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 3279.1 is added to the Health and Safety Code, to read:

3279.1. Notwithstanding any other provision of this chapter a county which has elected to come under the provisions of Section 14150.1 of the Welfare and Institutions Code shall not receive any tuberculosis subsidy or reimbursement from the state under the provisions of this chapter.

SEC. 2. This act shall become operative on July 1, 1970.

CHAPTER 812

An act to add Section 9410 to the Vehicle Code, relating to weight fees.

[Approved by Governor August 22, 1969 Filed with Secretary of State August 26, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 9410 is added to the Vehicle Code, to read:

9410. One commercial vehicle which is registered to a person who qualifies for the exemption provided for in Section 22511.5 is exempted from the weight fees provided for in Section 9401.

CHAPTER 813

An act to amend Sections 327 and 454 of the Fish and Game Code, relating to special seasons.

[Approved by Governor August 22, 1969 Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 327 of the Fish and Game Code is amended to read:

327. Notice of the hearing shall be published at least once, and at least 10 days prior to the hearing, in a newspaper of general circulation in each of the counties in which the hearing is to be held, or if no such newspaper is published in that county or counties then in such a newspaper in an adjoining

county. The hearing shall be conducted by either (a) the commission, (b) a member of the commission designated by it, or (c) the director if requested so to do by the commission.

At least 10 days prior to the holding of any such hearing the commission shall notify each member of the board of supervisors, at his home address, of each county affected of the details of its proposed order affecting such county and the time and date of the hearing.

SEC. 2. Section 454 of the Fish and Game Code is amended to read:

454. At least 10 days prior to the holding of any such hearing the commission shall notify, by certified mail, the board of supervisors of each county affected of the details of its proposed order affecting such county and the time and date of hearing.

Such notification shall also be made to the home address of each member of the affected board of supervisors.

CHAPTER 814

An act to add Section 14160 to the Welfare and Institutions Code, relating to medical assistance, and making an appropriation therefor.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 14160 is added to the Welfare and Institutions Code, to read:

14160. Whenever an amount is or was prior to the effective date of this section, erroneously deposited in the Health Care Deposit Fund, including, but not limited to, duplicate payments and payments in excess of the correct amount, the erroneous amount shall be refunded to the depositor. There is hereby appropriated out of the Health Care Deposit Fund amounts sufficient to pay such refunds.

CHAPTER 815

An act to add Chapter 5 (commencing with Section 19200) to Part 3 of Division 9 of, and to repeal Article 13 (commencing with Section 19031) of Chapter 4 of Part 3 of Division 9 of, the Agricultural Code, and to repeal Chapter 1 (commencing with Section 28000) of Division 21 of the Health and Safety Code, relating to pet food and horsemeat, making

an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Article 13 (commencing with Section 19031) of Chapter 4 of Part 3 of Division 9 of the Agricultural Code is repealed.

SEC. 2. Chapter 5 (commencing with Section 19200) is added to Part 3 of Division 9 of the Agricultural Code, to read:

CHAPTER 5. HORSEMEAT AND PET FOOD

Article 1. Definitions

19200. Unless the context otherwise requires, the definitions of this article govern the construction of this chapter.

19201. "Animals" means burros, cattle, goats, horses, mules, sheep, swine and other large domesticated animals and poultry.

19202. "Bureau" means Bureau of Meat Inspection of the Department of Agriculture.

19203. "Canned pet food" means any commercially sterile food product packed in hermetically sealed containers and composed of either edible fresh or frozen meat or horsemeat, meat or horsemeat byproducts or fish, or a combination thereof. It may contain cereals, edible accessory food products or edible mineral- or vitamin-containing substances.

19204. "Collection center" means a receiving area for the temporary storage of animal carcasses, packinghouse waste or other products before transportation to a licensed rendering plant.

19205. "Dead hauler" means any person or company that engages in the business of transporting the carcasses of dead animals.

19206. "Edible" means food fit to be eaten by dogs, cats, or other carnivora.

19207. "Horsemeat byproducts" means the parts other than horsemeat which have been derived from horses, mules or burros, or any combination of them.

19208. "Horsemeat" means the uncooked muscle tissue of horse, mule or burro, or any combination thereof, which is skeletal, with or without the accompanying and overlaying fat, and the portion of sinews, nerves and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing.

Except where otherwise provided herein, "horsemeat" shall include horsemeat and the horse byproducts as such terms are defined in Sections 19207 and 19208.

19209. "Inspected horsemeat" means horsemeat produced in a slaughtering establishment under federal, state or state-approved municipal inspection.

19210. "Meat" means the uncooked muscle tissue of a cow, goat, sheep, swine, or poultry which is skeletal, with or without the accompanying and overlaying fat, and the portion of sinews, nerves and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing.

19210.5. "Meat byproducts" means the edible parts other than meat which have been derived from cattle, goats, sheep, swine, or poultry or any combination of them.

19211. "Pet" means any household animal including but not limited to cats or dogs and other carnivora, whether or not for public exhibition.

19212. "Processed pet food" means a food for pets which has been prepared by heating, drying, semidrying, canning, or by a method of treatment prescribed by regulation of the State Department of Public Health. The term includes special diet, health foods, supplements, treats and candy for pets, but does not include fresh or frozen pet foods subject to the control of the California Department of Agriculture.

19213. "Rendering" means the conversion of packing-house waste, dead animal carcasses, and kitchen grease into industrial fats and oils inedible for human consumption and other products inedible for human consumption.

19214. "Slaughter" means to kill live animals and prepare for consumption for pet food purposes.

Article 2. Licenses

19220. A license shall be valid for a year from the date of issuance.

19221. The application for a license or a renewal of a license shall be accompanied by the license fee.

19222. A previous violation of any provision of this chapter is good and sufficient cause for denial of a license.

19223. The director may, after notice and hearing, revoke a license for any violation of any provisions of this division.

19224. A proceeding for refusal or revocation of a license shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2 of the Government Code. The director shall have all the powers granted in that chapter.

19225. The annual fee for each license held is one hundred dollars ($100).

19226. A separate license shall be required for each place of business.

Article 3. Pet Food and Horse Slaughterers

19240. Every person engaged in the business of slaughtering animals for pet food or horses for human food purposes shall first obtain a license pursuant to this chapter.

19241. The application shall be in a form which is prescribed by the director and shall contain the following:

(a) The name and address of the applicant.

(b) Where each slaughterhouse in which he intends to operate is located and to whom it belongs.

(c) The experience the applicant has in slaughtering.

(d) Such other information as the director may, by regulation, require.

19242. The director, after notice and hearing, shall refuse to issue a license unless he finds that the applicant:

(a) Is qualified to operate a slaughterhouse,

(b) Is properly equipped to engage in the business of slaughtering in a clean and sanitary manner,

(c) Has never been convicted of a felony involving adulterated or misbranded food.

(d) Demonstrates character, responsibility, and good faith suitable for carrying on the business to be licensed.

Article 4. Pet Food Processor

19260. Every person engaged in the business of processing, packing, or preparing fresh or frozen horsemeat or any other meat product for use as pet food of any kind, shall first obtain a license pursuant to this chapter, except those persons licensed pursuant to Chapter 3.5 (commencing with Section 27000) of Division 21 of the Health and Safety Code.

19261. The application for a license shall be in a form which is prescribed by the director and shall contain the following:

(a) The name and address of the applicant.

(b) Where each processing plant in which he intends to operate is located and to whom it belongs.

(c) The experience the applicant has in processing.

(d) What interest or control the applicant has in any dead hauler, rendering plant, or collection center.

(e) Such other information as the director may, by regulation require.

19262. The director, after notice and hearing, shall refuse to issue a license unless he finds that the applicant:

(a) Is qualified to operate a processing plant.

(b) Is properly equipped to engage in the business of processing in a clean and sanitary manner.

(c) Has never been convicted of a felony involving adulterated or misbranded food.

(d) Demonstrates character, responsibility, and good faith suitable for carrying on the business to be licensed.

Article 5. Horsemeat and Pet Food Importer

19280. Every person who engages in the business of importing (distributing or jobbing) fresh or frozen meat, meat byproducts, horsemeat byproducts, poultry meat, or poultry meat byproducts for pet food or horsemeat for human food purposes shall first obtain a license pursuant to this chapter.

19281. The application shall be in a form which is prescribed by the director and shall contain the following:

(a) The name and address of the applicant.

(b) The application for license shall be accompanied by a certificate issued by a federal, state, or local health agency certifying that the slaughtering or processing facilities of the slaughterer or processor of the horsemeat or pet food are operated under sanitary conditions and that the meat, meat byproducts, horsemeat, horsemeat byproducts, poultry meat, or poultry meat byproducts processed or fresh or frozen pet food to be imported conforms to the requirements of this act or the regulations adopted hereunder.

(c) Such other information as the director may, by regulation, require.

19282. The director shall issue a license unless he finds, after notice and hearing, that the applicant has been convicted of a felony involving adulterated or misbranded food or has violated any of the provisions of this chapter or regulations promulgated thereunder.

Article 6. Renderers

19300. Every person engaged in the business of rendering shall obtain a license from the director for each rendering plant and collection center operated.

19301. The application for a license shall be in a form which is prescribed by the director and shall contain the following:

(a) The name and address of the applicant.

(b) Where each rendering plant or collection center which he intends to operate is located.

(c) The experience the applicant has in rendering.

(d) Such other information as the director may by regulation require.

19302. The director, after notice and hearing, may refuse to issue a license unless he finds that the applicant:

(a) Is properly equipped to engage in the business of rendering.

(b) Has never been convicted of a felony involving adulterated or misbranded food.

(c) Demonstrates character, responsibility, and good faith suitable for carrying on the business to be licensed,

Article 7. Dead Haulers

19320. All persons engaged in the business of hauling of dead cattle, sheep, swine, goats, horses or other large domesticated animals or parts of the carcasses of any animal that died otherwise than by slaughter shall be licensed by the department.

19321. The application for a license shall be in a form which is prescribed by the director and shall contain the following:

(a) The name and address of the applicant.

(b) All vehicles that are to be registered pursuant to Section 19354.

(c) Such other information as the director may by regulation require.

19322. The director, after notice and hearing, may refuse to issue a license unless he finds that the applicant:

(a) Is properly equipped to engage in the business of dead hauling.

(b) Has never been convicted of a felony involving adulterated or misbranded food.

(c) Demonstrates character, responsibility, and good faith suitable for carrying on the business to be licensed.

Article 8. General Provisions

19340. No slaughterer shall own or control directly or indirectly, through stock ownership or control or otherwise, by himself or through his agents or employees, any interest in a person or company licensed to haul dead animals by Section 19320 unless his slaughterhouse is under state or federal inspection.

19342. No slaughterer shall pick up or receive any dead animal at his slaughterhouse except those which have died en route and such animals shall be transported directly and without delay to a licensed rendering establishment, however apparently healthy animals transported by a person other than a dead hauler, found to have just expired on arrival due to injuries during transportation may be immediately slaughtered under conditions specified by the director which will conform to the purposes of this chapter.

19343. Every establishment where animals are slaughtered for pet food, or where fresh or frozen pet food is processed or prepared shall be maintained and operated in a clean and sanitary manner.

19344. All fresh or frozen meat, meat byproducts, horsemeat, and horsemeat byproducts sold or offered for sale to the public as pet food shall conform to the standards of this chapter or regulations promulgated by the director.

19346. Any carcasses or parts or products of animals which are not intended for use as human food shall prior to their be-

ing offered for sale or transportation, be denatured or otherwise identified as prescribed by regulations of the director to prevent their use as human food. No person shall buy, sell, transport, or offer for sale or transportation or receive for transportation any carcasses, parts thereof, meat or meat food product of any such animals which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the director.

19347. The Legislature finds that the use in pet food of animals that died from reasons other than slaughtering and pet food prepared from diseased animals or not prepared under sanitary conditions creates a public health hazard to the citizens and animals of this state.

19348. No dead hauler or any other person shall transport any dead animal to any place, except for burial on his own property, other than to a licensed rendering plant, a licensed collection center, an animal disease diagnostic laboratory or the nearest crematory.

19349. All trucks and every licensed premises of a dead hauler shall be inspected by the bureau at least once a year before the license is renewed and at such other times as the director deems necessary.

19350. Vehicles used for dead hauling shall be completely unloaded, cleaned, and disinfected at the rendering plant.

19352. Inspectors and duly authorized agents of the state, city, county, and city and county health departments shall have free access at all hours of operation to premises where animals are slaughtered, or horsemeat or other meat products are processed, prepared, packed for pet food, or offered for sale or sold, for purposes of inspection. If slaughtering or carcass preparation or processing of meats and meat products is conducted at hours considered overtime for state employees, or on legal holidays, the owner or operator of the establishment shall by contract or agreement with the department, make arrangement to defray the additional cost for salaries and expenses for persons employed by the department to conduct the necessary inspection work during the overtime periods.

19353. Horses, mules, burros, cattle, sheep, goats and swine may be slaughtered on the premises of a pet food slaughterer.

19354. A dead hauler shall register each vehicle used to transport dead animals with the bureau.

19355. No licensee shall refuse to permit entry or inspection by a representative of the department, or to permit the taking of a sample of products.

19356. No meat or meat byproduct or horsemeat or horsemeat byproduct shall be sold or offered for sale as pet food or for pet food purposes by any person under any name or other marking or labeling which is false or misleading, or in any container of a misleading form or size, but established trade names and other marking and labeling and containers

which are not false or misleading and which are approved by the director, are permitted.

19357. All labels or other identification marks or methods for articles subject to this chapter shall be approved by the director in advance of their use.

19358. No person shall sell, transport, or offer for sale or transportation any meat or meat byproduct, horsemeat, or horsemeat byproduct subject to this article that is misbranded as prescribed by regulation of the director.

Article 9. Horsemeat

19360. Only horsemeat inspected by state or federal agents shall be sold or offered for sale for human consumption.

When horsemeat is offered for sale for human consumption there shall be displayed prominently in connection therewith and immediately adjacent thereto a sign with letters not less than eight inches in height and not less than three inches in width, bearing the words "horsemeat for human consumption."

19362. Every restaurant, cafe, or other public eating place offering or serving horsemeat for human consumption shall have stamped on all menus, in green ink letters not less than one-half inch in height and one-quarter inch in width the words "horsemeat served here"; likewise a placard must be prominently displayed bearing the words "horsemeat served here" in letters not less than four inches in height and one-half inch in width.

19363. Horsemeat or fresh or frozen pet food shall not be packed, stored or kept in any retail establishment with or in close proximity with any food product which is or shall be offered for human consumption irrespective of its type or nature.

19364. Horsemeat or fresh or frozen pet food shall be kept and stored in a separate unit in a retail establishment provided for that purpose. A sign which reads "horsemeat" with letters two inches high and approximately one inch wide shall be conspicuously displayed so that it can readily be seen by those in the room where such horsemeat is sold.

19365. All inspected horsemeat shall bear a tag or label with the words "inspected horsemeat," "U.S. government-inspected horsemeat," "state-inspected horsemeat," or "municipally inspected horsemeat," depending upon the type of inspection made of the product with letters printed thereon not less than one-half inch in height; provided, that the letters may be less than one-half inch in height where the horsemeat is processed, packaged, and sealed at the point of inspection and bears the label required by the inspection agency.

19366. All horsemeat intended for pet food purposes not produced in the State of California shall be denatured before entering the state and shall meet all requirements of this chapter and the regulations promulgated thereunder. All inspected

horsemeat not produced in the State of California shall be delivered to the warehouse, distributor or elsewhere in the original shipping containers.

19367. Nothing contained in this chapter shall prevent any city, city and county, or county from regulating or prohibiting by ordinance the sale of horsemeat in their respective communities.

Article 10. Regulations

19380. The director may adopt rules or regulations necessary to carry out the purpose of this chapter.

19381. The director shall by regulation promulgate minimum standards for the fitness of pet food so that the health of the animals and citizens of this state will not be endangered by unwholesome or tainted animal food.

19382. The director may establish by regulation, requirements to insure that vehicles used to transport dead animals and carcasses or parts or products of animals which have died other than by slaughter will not create a public health problem and that such animals, carcasses or parts or products are not diverted to human or pet food.

19383. The director shall establish by regulation, requirements for the slaughter of animals and inspection of pet food, to insure that it is wholesome, untainted, not adulterated, properly labeled, and fit for pet food, and for the handling and disposal of condemned meat or meat byproducts to prevent their use as human or pet food.

19384. The director shall establish by regulation the conditions under which carcasses or parts or products of animals for pet food may be processed, transported, and stored so as to prevent diversion into human food channels.

19385. The director may establish regulations to permit the sale and distribution of food for crab bait and for the feeding of mink and zoo animals under conditions which will conform to the purposes of this chapter but without compliance with such portions thereof which the director finds are unnecessary under any special circumstances involved.

Article 11. Records

19400. Any person that slaughters any horse, mule, burro, sheep, goats, swine or any other bovine for use as pet food, or who by purchase or otherwise acquires possession of the meat of any horse, mule, burro, swine or bovine, and that sells or otherwise disposes of such meat for use as pet food, or operates a rendering plant shall make and keep for one year a correct record, separate from all other business records, of each such transaction, recorded at the time of the transaction, which shows all of the following:

(a) The quantity of meat, bones, or carcasses acquired or disposed of.

(b) The names and addresses of the parties to the transaction.

(c) The date.

(d) The place to which such meat was shipped or delivered.

(e) The name of the person that made the shipment or delivery.

19401. This article does not apply to any of the following:

(a) Retail sales of any fresh or processed meat or meat product in a quantity of five pounds or less to any one person.

(b) Any canned or prepackaged meat or meat product in any package of five pounds or less which is conspicuously labeled to show the common or usual names of the ingredients arranged in the order of the predominance contained in the package.

19402. All horsemeat and animal food records shall be open at all times during the hours of operation to the inspection of the director, any health officer or sanitation inspector.

19403. It is unlawful for any person that is required to keep horsemeat and pet food records to fail to keep such records, or to fail or refuse to permit an authorized inspection of the horsemeat and pet food records.

19404. Every dead hauler shall keep a record when and where each carcass is picked up and delivered. The record shall be kept for a period of one year, and open to inspection by any agent of the department.

Article 12. Enforcement

19420. There is in the Department of Agriculture a compliance and evaluation team.

19421. The compliance and evaluation team's primary duty shall be the enforcement of the provisions of this chapter and the regulations made pursuant thereto.

Article 12.5. Inspection Fees

19430. Any person who is licensed pursuant to this chapter, who requests inspection at time which is considered as overtime by Section 19352 shall be liable for overtime inspection fees.

19432. Any fee, charge, or assessment payable under the provisions of this chapter and regulations promulgated pursuant to it, shall constitute a debt of the person owing such fee, charge or assessment and shall be payable to the director on the date provided by the director. If such person does not pay the charge or assessment on the date specified, the director shall add to such unpaid fee, charge or assessment an amount not exceeding 25 percent of such unpaid charge, fee, or assessment.

19433. In establishing such fee, charge, or assessment the director shall give consideration to the fees, charges and assessments provided under the provisions of law stated above, with

the exception of the license fees. The schedule of fees, charges, and assessments may from time to time be revised by the director as he deems necessary. Such schedules may be sufficient to provide such reserves as the director deems necessary.

Article 13. Penalties

19440. Any person who is found guilty of violating any of the provisions of this chapter or the rules and regulations promulgated under this chapter is subject to imprisonment for not more than one year or a fine of not more than one thousand dollars ($1,000), or both such imprisonment and fine; but if the violation is committed after a conviction of such person under this section has become final, or the violation is committed with intent to defraud or mislead, the person shall be subject to imprisonment for not more than three years, or a fine of not more than ten thousand dollars ($10,000), or both such imprisonment and fine.

19441. Any person who, as principal or agent, employer or employee, adulterates any other meat or meat food product intended for human food with horsemeat or the product of an animal which has died otherwise than by slaughter or the product of an animal slaughtered for pet food in accordance with this chapter, or represents horsemeat or pet food to be any other meat or meat food product, shall be guilty of a felony punishable by a fine of not less than ten thousand dollars ($10,000), or by imprisonment in the state prison for not less than one year, or both.

19443. 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.

19444. Upon conviction of a violation of any provision of this chapter, any license issued pursuant to this chapter shall be automatically suspended for 30 days. The director may, after notice and hearing, suspend the license for a longer period if he believes the suspension will promote the objectives of this chapter.

SEC. 2.5. Chapter 4 (commencing with Section 28000) of Division 21 of the Health and Safety Code, is repealed.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and

shall go into immediate effect. The facts constituting such necessity are:

The present unsanitary practices used in slaughtering, processing, and preparing of animals for pet food use has created a serious health problem to the animals and citizens of this state which requires immediate attention.

SEC. 4. The sum of fifty-five thousand nine hundred sixty-nine dollars ($55,969) is appropriated to the Department of Agriculture from the General Fund to carry out the provision of Chapter 5 (commencing with Section 19200) of Part 3 of Division 9 of the Agricultural Code.

CHAPTER 816

An act to amend Section 29200 of the Vehicle Code, relating to transportation of logs and poles.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. 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. The regulations shall include provisions prescribing the types of bunks and bunk stakes which may be used in combination in transporting 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.

CHAPTER 817

An act to add Section 8389 to the Fish and Game Code, relating to herring eggs.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 8389 is added to the Fish and Game Code, to read:

8389. Herring eggs may only be taken for commercial purposes under a revocable, nontransferable permit subject to such regulations as the commission shall prescribe. In addition to

the license fees provided for in this code, every person taking herring eggs under the provisions of this section shall pay a royalty, as the commission may prescribe, of not less than fifty dollars ($50) per ton of herring eggs taken.

Every person operating under a permit issued pursuant to this section is excepted from the provisions of Chapter 6 (commencing with Section 6650), Part 1 of Division 6 for aquatic plants taken incidental to the harvest of herring eggs.

CHAPTER 818

An act to amend Section 680.1 of the Harbors and Navigation Code, relating to vessels.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

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, local public agencies, or to the United States without payment of any fee therefor.

CHAPTER 819

An act to amend Section 12924 of the Insurance Code, relating to insurance.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 12924 of the Insurance Code is amended to read:

12924. (a) The commissioner may issue subpoenas and subpoenas duces tecum for witnesses to attend, testify and produce documents before him, on any subject touching insurance business, or in aid of his duties. Such process may be served, obeyed, and enforced as provided in the Code of Civil Procedure for civil cases. A defaulting witness may, upon application by the commissioner to the superior court, be required by order of such court to appear before the commissioner to testify as the court may order. The court may punish disobedience of its order as a contempt of court.

All the provisions of the Code of Civil Procedure relating to means of production of evidence shall be applicable to any

hearing or investigation under this section. The provisions of this subdivision shall not apply to proceedings required by other provisions of this code to be conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code.

(b) A person shall not be excused from testifying or from producing any book, document, or other thing under his control upon any such hearing or investigation on the ground that his testimony, or the book, document, or other thing required of him, may tend to incriminate him, or may have a tendency to subject him to punishment for a felony or misdemeanor; but no individual shall be prosecuted or be subjected to punishment for a felony or misdemeanor for or on account of any act, transaction, matter or thing concerning which he is so compelled, after validly claiming his privilege against self-incrimination, to testify or produce, except for perjury or contempt committed in such testimony.

CHAPTER 820

An act to amend Section 17922 of, and to add Section 37040 to, the Health and Safety Code, and to amend Section 7110 of the Business and Professions Code, relating to housing.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 17922 of the Health and Safety Code is amended to read:

17922. The rules and regulations adopted, amended, or repealed from time to time pursuant to this chapter shall include provisions imposing requirements reasonably consistent with recognized and accepted standards contained in the Uniform Housing Code, 1967 edition, the Uniform Building Code, 1967 edition, as adopted by the International Conference of Building Officials, the Uniform Plumbing Code, 1967 edition, as adopted by the International Association of Plumbing and Mechanical Officials, the Uniform Mechanical Code, 1967 edition, as adopted by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials, and the National Electrical Code, 1968 edition, as adopted by the National Fire Protection Association. The Commission of Housing and Community Development shall adopt such other rules and regulations as it deems necessary to carry out the provisions of this part. In promulgating rules and regulations the commission shall consider any amendments to the uniform codes referred to in this section. In promulgating rules and regulations the com-

mission shall also consider, among other things, geographic, topographic and climatic conditions.

Local use zone requirements, local fire zones, building setback, side and rear yard requirements, and property line requirements are hereby specifically and entirely reserved to the local jurisdictions notwithstanding any requirements found or set forth in this part.

SEC. 2. Section 37040 is added to the Health and Safety Code, to read:

37040. The commission shall, by January 1, 1971, adopt minimum standards for the painting of housing as it determines are reasonably necessary for the protection of the public. The adoption of such standards shall not be construed as requiring the department or any department of any city or county to inspect the painting of housing or to enforce the regulations adopted pursuant to this section.

SEC. 3. Section 7110 of the Business and Professions Code is amended to read:

7110. Willful or deliberate disregard and violation of the building laws of the state, or of any political subdivision thereof, or of the minimum painting standards adopted pursuant to Section 37040 of the Health and Safety Code, or of Sections 8505 or 8556 of this code, or of the safety laws or labor laws or compensation insurance laws or Unemployment Insurance Code of the state, or violation by any licensee of any provision of the Health and Safety Code or Water Code, relating to the digging, boring, or drilling of water wells constitutes a cause for disciplinary action.

CHAPTER 821

An act to amend Section 13009 of the Education Code, relating to school employees.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 13009 of the Education Code is amended to read:

13009. The governing board of each school district when drawing an order for the salary payment due to employees of the district shall, without charge, reduce the order by the amount which it has been requested in a revocable written authorization by the employee to deduct for any or all of the following purposes: paying premiums on any policy or certificate of group life insurance for the benefit of the employee or for group disability insurance, or both, for the benefit of the employee or his dependents issued by an admitted insurer on a form of policy or certificate approved by the Insurance

Commissioner, or paying rates, dues, fees, or other periodic charges on any hospital service contract for the benefit of the employee, or his dependents, issued by a nonprofit hospital service corporation on a form approved by the Insurance Commissioner pursuant to the provisions of Chapter 11A of Part 2 of Division 2 of the Insurance Code, or paying periodic charges on any medical and hospital service agreement or contract for the benefit of the employee, or his dependents, issued by a nonprofit membership corporation lawfully operating under Section 9200 or Section 9201 of the Corporations Code. The governing board of the district shall, beginning with the month designated by the employee and each month thereafter until authorization for the deduction is revoked, draw its order upon the funds of the district in favor of the insurer which has issued the policies or certificates or in favor of the nonprofit hospital service corporation which has issued hospital service contracts, or in favor of the nonprofit membership corporation which has issued medical and hospital service agreements or contracts, for an amount equal to the total of the respective deductions therefor made during the month. The governing board may require that the employee submit his authorization for the deduction up to one month in advance of the effective date of coverage.

"Group insurance" as used in this section shall mean only a bona fide group program of life or disability or life and disability insurance where a master contract is held by the school district or an employee organization but it shall, nevertheless, include annuity programs authorized by Section 403(b) of the Internal Revenue Code when approved by the governing board.

CHAPTER 822

An act to amend Section 6103.5 of the Government Code, relating to process fees.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 6103.5 of the Government Code is amended to read:

6103.5. Whenever a judgment is recovered by the plaintiff or petitioner in any action or proceeding to begin which under the provisions of Section 6103 no filing fee nor fee for service of process or notices by a sheriff, marshal or constable has been paid, other than in a condemnation proceeding, quiet title action, action for the forfeiture of a fish net or nets or action for the forfeiture of an automobile or automobiles, the clerk entering the judgment shall include as a part of such judgment the amount of the filing fee and the amount of the

fee for the service of process or notices which would have been paid but for Section 6103, designating it as such. When an amount equal to such filing fee and the fees for service of process and notices is collected upon that judgment, those amounts shall be due and payable to the clerk and the serving officer respectively. The clerk shall ascertain from the serving officer's return the amount of fees he would have charged had it not been for the provisions of Section 6103. Remittances of the amounts so due shall be made at least quarterly during the year by the fiscal officer of the plaintiff or petitioner in the action or proceeding. No interest shall be computed or charged on the amount of such fee.

CHAPTER 823

An act to amend Sections 3632, 4665 and 5162 of, and to add Sections 5392 and 5393 to, the Public Utilities Code, relating to insurance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 3632 of the Public Utilities Code is amended to read:

3632. The protection required under Section 3631 shall be evidenced either:

By the deposit with the commission, covering each vehicle used or to be used under the permit applied for,

(1) Of a policy of insurance, issued by a company licensed to write such insurance in the state, or by nonadmitted insurers subject to Section 1763 of the Insurance Code, if such policies meet the rules promulgated therefor by the commission; or

(2) Of a bond of a surety company licensed to write surety bonds in the state; or

(3) Of such evidence of qualification of the carrier as a self-insurer as may be authorized by the commission.

SEC. 2. Section 4665 of the Public Utilities Code is amended to read:

4665. The protection required under Section 4663 shall be evidenced either by the deposit with the commission, covering each vessel used or to be used in for-hire vessel operations for compensation, of:

(a) A policy of insurance, issued by a company licensed to write such insurance in the state, or by nonadmitted insurers subject to Section 1763 of the Insurance Code, if such policies meet the rules promulgated therefor by the commission; or

(b) A bond of a surety company licensed to write surety bonds in the state; or

(c) Such evidence of the qualification of the for-hire vessel operator as a self-insurer as may be authorized by the commission.

SEC. 3. Section 5162 of the Public Utilities Code is amended to read:

5162. The protection required under this article shall be evidenced by the deposit with the commission covering each vehicle used or to be used under the permit applied for,

(1) Of a policy of insurance, issued by a company licensed to write such insurance in this state, or by nonadmitted insurers subject to Section 1763 of the Insurance Code, if such policies meet the rules promulgated therefor by the commission; or

(2) Of a bond of a surety company licensed to write surety bonds in the state; or

(3) Such evidence of the qualification of the household goods carrier as a self-insurer as may be authorized by the commission.

SEC. 4. Section 5392 is added to the Public Utilities Code, to read:

5392. The protection required under Section 5391 shall be evidenced by the deposit with the commission covering each vehicle used or to be used under the certificate or permit applied for:

(1) Of a policy of insurance, issued by a company licensed to write such insurance in this state, or by nonadmitted insurers subject to Section 1763 of the Insurance Code, if such policies meet the rules promulgated therefor by the commission; or

(2) Of a bond of a surety company licensed to write surety bonds in the state; or

(3) Such evidence of the qualification of the charter-party carrier of passengers as a self-insurer as may be authorized by the commission.

SEC. 5. Section 5393 is added to the Public Utilities Code, to read:

5393. With the consent of the commission a copy of an insurance policy, certified by the company issuing it to be a true copy of the original policy, or a photostatic copy thereof, or an abstract of the provisions of the policy, or a certificate of insurance issued by the company issuing the policy, may be filed with the commission in lieu of the original or a duplicate or counterpart of the policy.

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 Public Utilities Commission has recently increased the amounts of minimum public liability and property damage insurance required to be provided by various types of carriers regulated by that commission, and as some admitted insurers cannot handle the increased coverage, the commission should be authorized to accept policies of nonadmitted insurers if such policies meet commission promulgated rules.

CHAPTER 824

An act to amend Section 681.8 of the Harbors and Navigation Code, relating to registration of vessels.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 681.8 of the Harbors and Navigation Code is amended to read:

681.8. The department may issue any certificate of ownership and certificate of number or temporary certificate of number directly or the department may authorize any person to act as agent for the issuance of a certificate of number or temporary certificate of number. If a person accepts such authorization, he may be assigned a block of numbers which upon issuance, in conformity with this article and with any rules and regulations of the commission, shall be valid as if issued directly by the department. All registration of vessels pursuant to the provisions of this code shall be conducted by the department at its Sacramento and Long Beach offices or by any agent authorized by the department to conduct such registration. No field offices shall be established by the department for the registering of vessels.

CHAPTER 825

An act to amend Section 1091 of the Government Code, relating to conflict of interest.

[Approved by Governor August 22, 1969 Filed with Secretary of State August 26, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 1091 of the Government Code is amended to read:

1091. (a) An officer shall not be deemed to be interested in a contract entered into by a body or board of which he is a member within the meaning of this article if he has only a remote interest in the contract and if the fact of such interest is disclosed to the body or board of which he is a member and noted in its official records, and thereafter the body or board

authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer or member with the remote interest.

(b) As used in this article "remote interest" means:

(1) That of a nonsalaried officer of a nonprofit corporation;

(2) That of an employee or agent of the contracting party, if such contracting party has 10 or more other employees and if the officer was an employee or agent of said contracting party for at least three years prior to his initially accepting his office.

For the purposes of this subsection, time of employment with the contracting party by the officer shall be counted in computing the three-year period specified in this subsection even though such contracting party has been converted from one form of business organization to a different form of business organization within three years of the initial taking of office by such officer. Time of employment in such case shall be counted only if, after the transfer or change in organization, the real or ultimate ownership of the contracting party is the same or substantially similar to that which existed before such transfer or change in organization. For the purposes of this subsection, stockholders, bondholders, partners, or other persons holding an interest in the contracting party are regarded as having the "real or ultimate ownership" of such contracting party.

(3) That of a parent in the earnings of his minor child for personal services;

(4) That of a landlord or tenant of the contracting party;

(5) That of an attorney of the contracting party; or

(6) That of a member of a nonprofit corporation formed under the Agricultural Code or a nonprofit corporation formed under the Corporations Code for the sole purpose of engaging in the merchandising of agricultural products or the supplying of water.

(7) That of a supplier of goods or services when such goods or services had been supplied to the contracting party by the officer for at least five years prior to his election or appointment to office.

(8) That of a person subject to the provisions of Section 1090 in any contract or agreement entered into pursuant to the provisions of the California Land Conservation Act of 1965.

(c) The provisions of this section shall not be applicable to any officer interested in a contract who influences or attempts to influence another member of the body or board of which he is a member to enter into the contract.

(d) The willful failure of an officer to disclose the fact of his interest in a contract pursuant to this section shall be punishable as provided in Section 1097. Such violation shall not void the contract however, unless the contracting party had knowledge of the fact of the remote interest of the officer at the time the contract was executed.

CHAPTER 826

An act to amend Section 1863 of the Civil Code, relating to innkeepers.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 1863 of the Civil Code is amended to read:

1863. (a) Every keeper of a hotel, inn, boardinghouse or lodginghouse, shall post in a conspicuous place in the office or public room, and in every bedroom of said hotel, boardinghouse, inn, or lodginghouse, a printed copy of this section, and a statement of rate or range of rates by the day for lodging.

(b) No charge or sum shall be collected or received for any greater sum than is specified in subdivision (a). For any violation of this subdivision, the offender shall forfeit to the injured party one hundred dollars ($100) or three times the amount of the sum charged in excess of what he is entitled to, whichever is greater. There shall be no forfeiture under this subdivision unless notice be given of the overcharge to such keeper within 30 days after payment of such charges and such keeper shall fail or refuse to make proper adjustment of such overcharge.

CHAPTER 827

An act to amend Sections 35250 and 35251 of the Vehicle Code, relating to heights of vehicle loads.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 35250 of the Vehicle Code is amended to read:

35250. No vehicle shall exceed a height of 13 feet and 6 inches measured from the surface upon which the vehicle stands.

SEC. 2. Section 35251 of the Vehicle Code is amended to read:

35251. No load upon a vehicle shall exceed a height of 14 feet, measured from the surface on which the vehicle stands.

CHAPTER 828

An act to amend Sections 679, 930.1, and 1854 of the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 679 of the Unemployment Insurance Code is amended to read as follows:

679. "Employer" means any employing unit establishing, maintaining and operating a hospital pursuant to Division 23 (commencing with Section 32000) of the Health and Safety Code, and which, for some portion of a day, has within the current calendar year or had within the preceding calendar year one or more individuals performing service in its employ and pays wages for such service in excess of one hundred dollars ($100) during any calendar quarter.

SEC. 2. Section 930.1 of the Unemployment Insurance Code is amended 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, 937, and 938 when paid by the employer in another state.

SEC. 3. Section 1854 of the Unemployment Insurance Code is amended to read:

1854. In any civil action brought by or against the director a certificate under oath by the director or his authorized agent showing the delinquency shall be prima facie evidence of the levy of the contributions, of the delinquency of the amounts set forth, and of the compliance by the director with all the provisions of this division relating to the computation and levy of the amounts.

CHAPTER 829

An act to amend Sections 3002 and 3003 of the Unemployment Insurance Code, relating to the Disability Fund.

[Approved by Governor August 22, 1969 Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 3002 of the Unemployment Insurance Code is amended to read:

3002. The State Treasurer is the treasurer of the Disability Fund and shall have the custody of all money belonging to the Disability Fund and not otherwise held, deposited or invested under this part. The official bond of the State Treasurer shall cover the faithful performance of his duties as treasurer of the Disability Fund. The State Treasurer shall invest or otherwise deal with the Disability Fund under the supervision of the director.

SEC. 2. Section 3003 of the Unemployment Insurance Code is amended to read:

3003. (a) Except as provided in Sections 3125, 3125.5, and 3131, all surplus money in the Disability Fund may be invested solely in securities set forth in subdivision (b) of this section, and all interest or earnings therefrom shall be deposited in the Disability Fund.

(b) Eligible securities for the investment of surplus money shall be:

(1) 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.

(2) Bonds of this state, or those for which the faith and credit of this state are pledged for the payment of principal and interest.

(3) Bonds of any county, city, metropolitan water district, municipal utility district, or school district of this state.

(4) 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.

(5) Debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933.

(6) Bonds or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act.

(7) Bonds of any federal home loan bank established under the Federal Home Loan Bank Act.

(8) Stock, bonds, debentures and other obligations of the Federal National Mortgage Association established under the National Housing Act.

(9) Bonds, notes, and other obligations issued by the Tennessee Valley Authority under the Tennessee Valley Authority Act.

CHAPTER 830

An act to amend Sections 658, 1825, and 2362 of, to amend and renumber Sections 2365, 2366, 2367, 2368, 2369, and 2369.5 of, to add Sections 2363.5, 2366, 2368, 2372, and 2373 to, and to repeal Section 2370 of, the Education Code, relating to school district territory transfer.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 658 of the Education Code is amended to read:

658. Upon the adoption of a resolution by the board of supervisors of the county consenting to the transfer of the functions specified in the sections set forth below in this section, the functions specified in such section shall be transferred from the county board of supervisors to the county board of education. The functions, including but not limited to the receipt of petition and reports and other papers, are those specified in Sections 912, 913, 1647, 1701, 1705, 1744, 2307, 2365, 2366, 2368, 2369, 2370, 2703, 2704, 2705, 2746, and 3303.

Upon the adoption of such resolution, any reference, with respect to that county, in such sections to the board of supervisors shall be deemed to be a reference to the county board of education of that county and any reference to the clerk of the county board of supervisors shall be deemed to be a reference to the secretary of the county board of education of that county.

SEC. 1.3. Section 1825 of the Education Code is amended to read:

1825. Whenever in the creation or dissolution of a school district, or the change of boundaries thereof, pursuant to any provision of Division 5 of this code, an existing district having outstanding bonded indebtedness is divided between two or more districts, whether or not previously existing, the territory of the district so divided as constituted prior to said division, shall remain liable for the outstanding bonded indebtedness of said district existing at the time of said division, and said territory shall, except as otherwise provided in this section, be liable for taxation for the repayment of principal and interest on said outstanding bonded indebtedness until the same is fully retired.

(a) Whenever in the creation or dissolution of a school district, or the change of boundaries thereof, pursuant to any provision of Division 5 of this code, an existing district having outstanding bonded indebtedness is divided between two or more districts, and as a result of said division, real property and improvements thereon, if any, which are the property of the divided district are transferred to one or more new or existing districts, the county superintendent of schools shall, for each acquiring district, calculate a "bond factor" to be computed as follows:

(1) The county superintendent of schools shall separately appraise the fair market value as of the date the action of division is complete, of all parcels of real property and improvements thereon, if any, which are the property of the divided district on said date, and thereafter compute the total fair market value of all real property and improvements thereon, if any, which are the property of the divided district on the date the action of division is complete, which total shall be the denominator of each "bond factor" computation;

(2) The county superintendent of schools shall then compute the total fair market value as appraised of those parcels of real property and improvements thereon, if any, to be acquired from the divided district by each acquiring district, which total shall be the numerator of the bond factor calculated for each acquiring district.

(b) The county superintendent of schools shall multiply each bond factor computed pursuant to subdivision (a) of this section, by the total principal of bonded indebtedness, and interest thereon to maturity, of the divided district outstanding as of the date the action of division is complete, and shall certify to each acquiring district the amount resulting from the multiplication of the bond factor computed for said acquiring district as herein provided. The amount so certified to each acquiring district shall be designated "use charge."

(c) Beginning the fiscal year in which the aforementioned action or division is effective for all purposes the district acquiring the real property and improvements thereon, if any, as herein provided, shall pay annually to the county superintendent of schools for deposit in a separate fund that portion of the use charge certified as herein provided equal to the amount which would be annually required to pay principal of and interest on that portion of the bonded indebtedness of the divided district outstanding as of the date the action of division is effective for all purposes as represented by the use charge certified as herein annually the amounts deposited in said fund as herein provided for the payment of principal of and interest on the outstanding bonded indebtedness of the divided district. To the extent that said annual payments to the county superintendent of schools are sufficient to pay the principal of and interest on said outstanding bonded indebtedness as the same become due, the territory of the divided district shall not be taxed therefor.

(d) The annual payment required by the provisions of subdivision (c) hereinabove to be made by the acquiring district shall be designated the "use payment". Beginning the fiscal year in which the action of division is effective for all purposes, the county board of supervisors shall, each year, levy a tax upon the territory of the acquiring district in an amount sufficient to enable said district to make the annual use payment as hereinabove provided. Said tax shall be in addition to any other taxes authorized by law or by election.

(e) Notwithstanding any other provision of this code to the contrary, for purposes of State School Building Aid Law, that amount of outstanding bonded indebtedness of the divided district equal to the use charge hereinabove certified shall be considered a liability of the district liable for the use payment for purposes of computing bonding capacity of said district.

(f) When a use charge certified as herein provided has been paid in full, the use payments herein provided shall cease.

(g) If an existing high school district is divided and a unified school district is formed from the territory within such high school district, and such division and formation is effective for all purposes on July 1, 1969, the county superintendent of schools, in computing the bond factor pursuant to subdivision (a) of this section, shall include in the appraisal of real property and improvements an amount equal to the funds of the high school district which are required to be expended for a project pursuant to Chapter 10 (commencing with Section 19551) of Division 14.

SEC. 1.5. 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 either:

(a) Twenty-five percent of the registered electors residing in the territory proposed to be transferred, or

(b) A majority of the members of the governing board of each school district affected by the proposed change.

SEC. 2. Section 2363.5 is added to the Education Code, to read:

2363.5. Within 20 days after the filing of a petition under Section 2362, subdivision (a), or Section 2363, subdivision (b), the county superintendent of schools shall transmit the petition to the governing board of the district to which the territory is to be transferred. The governing board shall set a date for a hearing on the petition which shall be within 30 days of the receipt of the petition and the county superintendent shall notify the petitioners of the time and place of the hearing. At the hearing the petitioners and any other interested persons shall be given an opportunity to present their

views on the petition. The governing board then shall either approve or deny the petition. No transfer shall be made unless a majority of the members of the governing board sign a statement agreeing to the transfer. Upon completion of the hearing the governing board shall return the petition together with a notice of action of the governing board to the county superintendent of schools.

SEC. 2.5. Section 2365 of the Education Code is amended and renumbered to read:

2364. 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 on school district organization.

If the petition is filed under Section 2362, subdivision (a), or Section 2363, subdivision (b), accompanied by the statement agreeing to the transfer by the governing board of the district to which the territory is to be transferred, it shall be transmitted to the county committee on school district organization.

If the district is subject to provisions of Section 2309, 2310, 25433.5 or 25434, the petition shall be accompanied by the written consent of the district from which the territory is proposed to be transferred.

SEC. 3. Section 2366 of the Education Code is amended and renumbered to read:

2367. The petition shall be heard by the State Board of Education in the same manner as a petition for a new district as provided in Section 1994.

After hearing the matter, the State Board of Education shall grant or deny the petition. If the petition is granted, the board may order that the transfer be effected or order an election to be held in the territory. The board may determine that the election shall be held only in the territory proposed to be transferred or in the entire district from which the transfer is proposed to be made.

The secretary of the board shall return the petition to the county superintendent of schools together with a notice of the decision of the state board.

SEC. 4. Section 2366 is added to the Education Code, to read:

2366. If the committee finds that the proposed transfer is compatible with the master plan of the county, the petition and report shall be transmitted to the county board of supervisors by the county superintendent of schools.

If the committee finds that the proposed transfer is incompatible with the master plan, the report and petition shall be transmitted to the State Board of Education by the county superintendent of schools.

SEC. 5. Section 2367 of the Education Code is amended and renumbered to read:

2365. A petition transmitted to the county committee pursuant to this article shall be considered at the next regular meeting of the committee or at a special meeting called for the purpose.

The county committee shall prepare a report and recommendation. It shall report as to whether or not in the opinion of the committee the proposed transfer would adversely affect the school district organization of the county; whether it is compatible with any master plans approved by the State Board of Education; and whether, in the judgment of the committee, the proposed transfer will or will not result in racial integration in the schools of the district affected by the transfer.

The report may include other pertinent matter which the committee desires to bring to the attention of the State Board of Education or board of supervisors.

SEC. 6. Section 2368 of the Education Code is amended and renumbered to read:

2369. When the petition, report and recommendation are transmitted to the county board of supervisors, the county superintendent of schools shall set the matter for hearing by the board of supervisors at a regular meeting of the board.

At least 10 days prior to the date of the hearing the county superintendent shall send by certified mail a notice of hearing and a copy of the report and recommendation of the county committee to the chief petitioners, if any have been designated, and to 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 2368 is added to the Education Code, to read:

2368. After receiving notice of the action taken by the State Board of Education the county superintendent of schools shall (a) file the order of the board with the county board of supervisors which board shall make the order required by Section 1647, or (b) call and conduct an election as ordered by the State Board of Education.

SEC. 8. Section 2369 of the Education Code is amended and renumbered to read:

2370. After hearing all interested persons, the board of supervisors shall grant or deny the petition or require an election to be held. If the board grants the petition it shall determine whether all or only a part of the territory shall be transferred If the board requires an election to be held it shall determine whether the election shall be held in the whole elementary, unified, or junior college district from which the territory would be transferred or whether the election shall be

held only in the territory proposed to be transferred. The county superintendent of schools shall call, hold, and conduct any election required by this section.

SEC. 9. Section 2369.5 of the Education Code is amended and renumbered to read:

2371. Notwithstanding any provisions of Section 2370 or other sections to the contrary, the governing board of the district from which the territory is to be transferred 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: (a) at least 25 percent of the assessed valuation of such district is located in such territory or (b) the territory contains the only school building or buildings of the district.

SEC. 10. Section 2370 of the Education Code is repealed.

SEC. 11. Section 2372 is added to the Education Code, to read:

2372. An election conducted under provisions of this article shall be determined by the majority of votes cast.

SEC. 12. Section 2373 is added to the Education Code, to read:

2373. Action to initiate a transfer of territory commenced prior to the effective date of Statutes of 1969 may be continued under provisions existing at the time of commencement.

CHAPTER 831

An act to amend Section 1103a of the Penal Code, relating to perjury.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 1103a of the Penal Code is amended to read:

1103a. No person shall be convicted of perjury where proof of falsity rests solely upon contradiction by testimony of a single person other than the defendant. Proof of falsity may be established by direct or indirect evidence.

CHAPTER 832

An act to amend Section 54.1 of the Civil Code, relating to blind and other physically disabled persons.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 54.1 of the Civil Code is amended to read:

54.1. (a) Blind persons, visually handicapped persons, and other physically disabled persons shall be entitled to full and equal access, as other members of the general public, to accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motorbuses, streetcars, boats or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation, amusement or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law, or state or federal regulation, and applicable alike to all persons.

(b) Blind persons, visually handicapped persons, and other physically disabled persons shall be entitled to full and equal access, as other members of the general public, to all housing accommodations offered for rent, lease, or compensation in this state, subject to the conditions and limitations established by law, or state or federal regulation, and applicable alike to all persons.

"Housing accommodations" means any real property, or portion thereof, which is used or occupied, or is intended, arranged, or designed to be used or occupied, as the home, residence, or sleeping place of one or more human beings, but shall not include any accommodations included within subdivision (a) or any single family residence the occupants of which rent, lease, or furnish for compensation not more than one room therein.

Nothing in this subdivision shall require any person renting, leasing or providing for compensation real property to modify his property in any way or provide a higher degree of care for a blind person, visually handicapped person, or other physically disabled person than for a person who is not physically disabled.

Nothing in this part shall require any person renting, leasing, or providing for compensation real property, if such person refuses to accept tenants who have dogs, to accept as a tenant a blind person, visually handicapped person, or other physically disabled person who has a dog, including a guide dog.

CHAPTER 833

An act to amend Section 42271 of the Vehicle Code, relating to the Motor Vehicle Fund, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 42271 of the Vehicle Code is amended to read:

42271. (a) Such moneys in the Motor Vehicle Fund as are appropriated in the Budget Act or any other appropriation act for the support of or expenditure by the Department of Motor Vehicles shall be expended by the department in carrying out the provisions of this code and in enforcing any other laws relating to vehicles or the use of highways.

Regularly employed peace officers of the department may, when authorized by the director, expend such sums as authorized for the purchase of counterfeit, false, forged, or fictitious certificates of ownership, registration card, certificate, license or special plate or permit, or driver's license provided for by this code as evidence, or for expenditures related to the procurement of such evidence, or for expenditures made to investigate other violations of laws administered by the department. When approved by the director, the identity of a peace officer who submits a claim need not be disclosed if the disclosure might materially prejudice the investigation.

The sums so expended shall be repaid to the peace officer making the expenditure upon claims approved by the director. The claims, when approved, shall be paid out of funds appropriated or made available by law for the support of the department.

(b) Such moneys in the Motor Vehicle Fund as are appropriated in the Budget Act or any other appropriation act for the support of or expenditure by the Department of the California Highway Patrol shall be expended by the department in carrying out the provisions of this code and in enforcing any other laws relating to vehicles or the use of highways. The Department of California Highway Patrol may draw, without at the time furnishing vouchers and itemized statements, sums not to exceed in the aggregate one hundred thousand dollars ($100,000), the sums so drawn to be used as a revolving fund where cash advances are necessary. At the close of each fiscal year the moneys so drawn must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the State Controller.

SEC. 2. Section 42271 of the Vehicle Code is amended to read:

42271. (a) The Motor Vehicle Account in the State Transportation Fund is hereby created.

(b) The moneys deposited to the credit of the Motor Vehicle Account in the State Transportation Fund which are appropriated in the Budget Act or any other appropriation act for the support of or expenditure by the Department of Motor Vehicles shall be expended by the department in carrying out the provisions of this code and in enforcing any other laws relating to vehicles or the use of highways.

Regularly employed peace officers of the department may, when authorized by the director, expend such sums as authorized for the purchase of counterfeit, false, forged, or fictitious certificates of ownership, registration card, certificate, license or special plate or permit, or driver's license provided for by this code as evidence, or for expenditures related to the procurement of such evidence, or for expenditures made to investigate other violations of laws administered by the department. When approved by the director, the identity of a peace officer who submits a claim need not be disclosed if the disclosure might materially prejudice the investigation.

The sums so expended shall be repaid to the peace officer making the expenditure upon claims approved by the director. The claims, when approved, shall be paid out of funds appropriated or made available by law for the support of the department.

(c) The moneys deposited to the credit of the Motor Vehicle Account in the State Transportation Fund which are appropriated in the Budget Act or any other appropriation act for the support of or expenditure by the Department of the California Highway Patrol shall be expended by the department in carrying out the provisions of this code and in enforcing any other laws relating to vehicles or the use of highways. The Department of California Highway Patrol may draw, without at the time furnishing vouchers and itemized statements, sums not to exceed in the aggregate one hundred thousand dollars ($100,000), the sums so drawn to be used as a revolving fund where cash advances are necessary. At the close of each fiscal year the moneys so drawn must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the State Controller.

(d) All moneys deposited to the credit of the Motor Vehicle Account in the State Transportation Fund in excess of the amount the State Controller determines is necessary to meet appropriations therefrom shall be transferred, on order of the Controller, to the credit of the State Highway Account in the State Transportation Fund. If the amount retained to the credit of the Motor Vehicle Account in the State Transportation Fund pursuant to this subdivision should prove to be insufficient to pay costs incurred against an appropriation from such account, the Controller shall redetermine the matter and may, after giving at least 15 days prior notice to the Department of

Public Works, transfer back, from time to time, sufficient amounts from the State Highway Account in the State Transportation Fund to the Motor Vehicle Account as are necessary to pay such appropriations.

SEC. 3. It is the intent of the Legislature, if amendments to Section 42271 of the Vehicle Code proposed by both this bill and A.B. 461 are enacted, that both amendments be given effect and incorporated in Section 42271 in the form set forth in Section 2 of this act. Therefore, in the event A.B. 461 is enacted and amends Section 42271, Section 2 of this act shall become operative at the same time that Section 42271 as amended by A.B. 461 becomes operative, and at that time, Section 42271 of the Vehicle 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 peace officers regularly employed by the Department of Motor Vehicles may acquire evidence needed for the successful prosecution of pending cases involving counterfeit, false, forged or fictitious certificates of ownership or registration and driver's licenses, and thus preserve the welfare and safety of the citizens of this state, it is necessary that this act take immediate effect.

CHAPTER 834

An act to amend Sections 21356 and 21803 of the Vehicle Code, relating to yielding of the right-of-way.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 21356 of the Vehicle Code is amended to read:

21356. (a) The Department of Public Works or local authorities with respect to highways under their respective jurisdictions, may erect yield right-of-way signs at the entrance to intersections or highways. Such yield right-of-way signs shall be erected only in conformance with regulations established by the Department of Public Works.

(b) The Department of Public Works shall publish regulations relating to the erection of yield right-of-way signs by July 1, 1970, and all yield right-of-way signs in use prior to that date shall be made to conform to such regulations by July 1, 1971.

SEC. 2. Section 21803 of the Vehicle Code is amended to read:

21803. (a) The driver of any vehicle upon approaching any yield right-of-way sign shall yield the right-of-way to other vehicles which have entered the intersection from an intersecting street or which are approaching so closely on the intersecting street as to constitute an immediate hazard and shall continue to yield the right-of-way to such approaching vehicles until such time as he can proceed with reasonable safety.

(b) A driver, having so yielded, may then proceed and the drivers of all other vehicles approaching the intersection on the intersecting roadway shall yield the right-of-way to him.

SEC. 3. This act shall become operative on July 1, 1970.

CHAPTER 835

An act to add Section 11829 immediately below the heading of Article 2 (commencing with Section 11830) of Chapter 2 of Division 8, to the Elections Code, relating to initiative, referendum, and recall petitions.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 11829 is added to the Elections Code immediately below the heading of Article 2 (commencing with Section 11830) of Chapter 2 of Division 8, to read:

11829. Not later than 35 days after a measure has been qualified for the ballot by the Secretary of State, the proponents shall, under penalty of perjury, file a statement of receipts and expenses as defined in this chapter.

SEC. 2. In enacting this measure it is the intention of the Legislature to implement and to more effectively safeguard from abuse the exercise of the right of initiative, referendum and recall, reserved to the people by the Constitution.

CHAPTER 836

An act to amend Section 11824 of the Education Code, relating to physical examination of pupils.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 11824 of the Education Code is amended 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 or who holds a certificate of registration to serve as a school audiometrist issued by the State Board of Public Health 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.

CHAPTER 837

An act to amend Section 6806 of the Education Code, relating to physically handicapped minors.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

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, other than a junior college 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. A junior college district may enter into such a contract. 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.

CHAPTER 838

An act to add Section 1567 to the Code of Civil Procedure, relating to escheat.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 1567 is added to the Code of Civil Procedure, to read:

1567. The Director of Parks and Recreation may examine any tangible personal property delivered to the State Controller under this chapter for purposes of determining whether such property would be useful under the provisions of Section 512 of the Public Resources Code. If the director makes such a determination with respect to the property, the State Controller may deliver the property to the director for use in carrying out the purposes of Section 512 of the Public Resources Code. Upon the termination of any such use, the director shall return the property to State Controller.

CHAPTER 839

An act to add Section 44 to the Insurance Code, relating to insurance companies.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 44 is added to the Insurance Code, to read:

44. Any person who willfully and knowingly makes, circulates, or transmits to another any false written or printed statement for the purpose of damaging the financial condition or stability of any insurance company doing business in this state is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000).

CHAPTER 840

An act to amend Section 21355 of the Vehicle Code, relating to stop signs.

[Approved by Governor August 22, 1969 Filed with Secretary of State August 26, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 21355 of the Vehicle Code is amended to read:

21355. Stop signs erected under Section 21350, 21351, 21352 or 21354 may be erected either at or near the entrance to an intersection.

The Department of Public Works and local authorities in their respective jurisdictions may erect stop signs at any location so as to control traffic within an intersection.

When a required stop is to apply at the entrance to an intersection from a one-way street the roadway of which is 30 feet or more in width, stop signs shall be erected both on the left and the right sides of such one-way street at or near the entrance to the intersection.

Notwithstanding any other provision of this code, stop signs shall not be erected at any entrance to an intersection when such entrance is controlled by an official traffic control signal, nor at any railroad grade crossing which is controlled by automatic signals, gates, or other train-actuated control devices except where a stop sign may be necessary to control traffic on intersecting highways adjacent to such grade crossing. Stop signs erected prior to the effective date of this provision and which are in place in contravention hereof shall be removed prior to January 1, 1971, by the Department of Public Works and local authorities in their respective jurisdictions.

CHAPTER 841

An act relating to the transfer of secondary school teachers to teach in elementary schools in Sacramento City Unified School District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 22, 1969 Filed with Secretary of State August 26, 1969.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature hereby finds and declares that an emergency exists in the Sacramento City Unified School District, in that the voters recently defeated an override tax proposal. As a result of this defeated override tax proposal, the school district is forced to reduce its teaching staff at the secondary school level. In order to permit the affected school district to retain its experienced staff and at the same time mitigate the effect of the necessary personnel reduction, the Legislature finds that the circumstances at the Sacramento City Unified School District are unique and require special legislation and that a general statute cannot be made applicable to these circumstances within the meaning of Section 16 of Article IV of the California Constitution.

SEC. 2. Notwithstanding any other provisions of law to the contrary, any employee of the Sacramento City Unified School District in a position at the secondary school level requiring certification qualification may be permitted to teach in grades 4 to 8, inclusive, for a period of time determined by the governing board thereof, but not to exceed two school years. Such employee shall not be permitted to teach in kindergarten and grades 1 to 3, inclusive.

SEC. 3. The provisions of this act shall be operative until July 1, 1971, and thereafter shall have no force and effect.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the Sacramento City Unified School District be able to employ its secondary school certificated employees, whose employment would be terminated otherwise because of the recent defeat of an override tax proposal, to teach in grades 4 to 8, inclusive, during the 1969–1970 school year as provided for in Section 2 of this bill, it is necessary that this act take effect immediately.

CHAPTER 842

An act to amend Sections 73101.5, 73107, 73113, and 73118 of the Government Code, relating to municipal courts.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 73101.5 of the Government Code is amended 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, three; and in the Desert Division, one.

SEC. 1.5. 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 69 of Section 73113.5. He shall be the appointing power for those positions listed in Section 73113.

SEC. 2. Section 73113 of the Government Code is amended to read:

73113. The number of positions within each job classification which may be filled by appointment by the municipal court 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	63		1			
Clerk of the municipal court II	61				1	
Clerk of the municipal court I	59	1		1		1
Assistant clerk of the municipal court IV	55		1			
Assistant clerk of the municipal court II	49				1	
Assistant clerk of the municipal court I	47	1		1		1
Municipal court chief clerk	48		2			
Municipal court calendar clerk	48		1			
Municipal court clerk	44	1	5	1	3	1
Municipal court clerk assistant	40		1		1	
Principal clerk	39		1			
Senior fiscal assistant	41		1			
Senior stenographer clerk	38		1		1	
Fiscal assistant	37					
Senior clerk	36	1	4	4	3	4
Stenographer clerk	32		1			
Intermediate clerk	30	3	13	2	5	1
Clerk	26		2		2	

Job classification	Salary range	Authorized positions East	Central	Valley	West Valley	Desert
Appointed by the marshal						
Marshal's captain	60		1			
Marshal's lieutenant (Assistant marshal II)	56				1	
Marshal's sergeant (Assistant marshal I)	53	1	1	1	1	1
Marshal's clerical coordinator	46		1			
Deputy marshal	49	1	*7	2	5	2
Bailiff	42		*4			
Senior clerk	36	1		1		1
Intermediate clerk	30		3		2	
Clerk	26				1	

* Not to exceed a combined total of 8 positions.

SEC. 3. Section 73118 of the Government Code is amended 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.

The fee required by this section shall be taxed as costs in favor of any party paying it and to whom costs are awarded by the judgment of the court.

CHAPTER 843

An act to amend Sections 505 and 1670 of, and to add Section 534.1 to, the Financial Code, relating to banks.

[Approved by Governor August 23, 1969 Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 505 of the Financial Code is amended to read:

505. The failure of a bank or trust company to open and operate a branch office within one year after the superintendent approves the application therefor shall automatically terminate the right of the bank or trust company to open the branch office except that the superintendent, for good cause on written application made before the expiration of the one-year period and accompanied by a fee of one hundred dollars ($100), may extend for additional periods not in excess of one year each the time within which the branch office may be opened.

SEC. 2. Section 534.1 is added to the Financial Code, to read:

534.1. Subject to such regulations and rules as the superintendent may prescribe, a foreign branch of a bank may transact such business as may be usual in connection with the transaction of the business of banking in the places where such

foreign branch is located; provided, however, that a foreign branch of a bank shall not engage in the general business of producing, distributing, buying, or selling goods, wares, or merchandise, nor, except with respect to securities issued by any foreign state, engage or participate, directly or indirectly, in the business of underwriting, selling, or distributing securities. As used in this section, "foreign state" means any foreign government or any department, district, province, county, possession, or other similar governmental organization or subdivision of a foreign government, and any agency or instrumentality of any such foreign government or of any such organization or subdivision.

SEC. 3. Section 1670 of the Financial Code is amended to read:

1670. Whenever a bank receives personal property for safekeeping or storage as bailee and issues a receipt therefor, the bank may enforce its lien as warehouseman in accordance with the provisions of the Uniform Commercial Code or at its option in the manner provided in Sections 1671 to 1673, inclusive, of this article.

CHAPTER 844

An act to amend Section 21301 of the Education Code, relating to revolving cash funds.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 21301 of the Education Code is amended to read:

21301. The governing board of any school district may, with the consent of the county superintendent of schools, establish a revolving cash fund for the use of the chief accounting officer of the district, by adopting a resolution setting forth the necessity for the revolving cash fund, the officer for whom and the purposes for which the revolving cash fund shall be available, and the amount of the fund. The amount of the fund shall not be more than 2 percent of the district's estimated expenditures for the current fiscal year and shall not in any event exceed ten thousand dollars ($10,000) for any elementary school, high school, or junior college district; twenty thousand dollars ($20,000) for any unified district of elementary and high school levels, and thirty thousand dollars ($30,000) for any unified district of elementary, high school, and junior college levels. Three certified copies of the resolution shall be transmitted to the county superintendent of schools. If he approves the establishment of the fund, the county superintendent shall endorse his consent on the resolution and return one copy to the governing body of the district, and transmit one copy to the county auditor.

CHAPTER 845

An act to amend Section 3351 of the Labor Code, relating to workmen's compensation.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 3351 of the Labor Code is amended to read:

3351. "Employee" means every person in the service of an employer under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed, and includes:

(a) Aliens and minors.

(b) All elected and appointed paid public officers.

(c) All officers and members of boards of directors of quasi-public or private corporations while rendering actual service for such corporations for pay; provided that, where the officers and directors of any such private corporation are the sole shareholders thereof, the corporation and such officers and directors shall come under the compensation provisions of this division only by election as provided in Section 4151(a).

CHAPTER 846

An act to amend Section 817 of, and to add Section 1019.5 to, the Education Code, relating to personal property in schools.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 817 of the Education Code is amended to read:

817. The governing body of any school district may by rule or regulation provide for the payment of the costs of replacing or repairing property of an employee, such as eyeglasses, hearing aids, dentures, watches, articles of clothing necessarily worn or carried by the employee, or vehicles when any such property is damaged in the line of duty without fault of the employee. If the property is damaged beyond repair, the actual value of such property may be paid. The value of such property shall be determined as of the time of the damage thereto. Limits may be established for the payment of such damaged property.

In the event the employee is paid the costs of replacing or repairing such property, or the actual value of such property, the school district shall, to the extent of such payments, be

subrogated to any right of the employee to recover compensation for such damaged property. The school district may file and prosecute an action to enforce its subrogation right in the small claims court if the amount of the claim is within that court's monetary jurisdiction or may enforce its subrogation right in any other court of competent jurisdiction.

SEC. 2. Section 1019.5 is added to the Education Code, to read:

1019.5. The governing body of a school district may provide by rule or regulation for the reimbursement of any person or persons for the loss, destruction, or damage by arson, burglary or vandalism of personal property used in the schools of the district. Reimbursement shall be made only when approval for the use of the personal property in the schools was given before the property was brought to school and when the value of the property was agreed upon by the person or persons bringing the property and the school administrator or person appointed by him for this purpose at the time the approval for its use was given. The governing body may establish a maximum value of reimbursement which will be paid.

CHAPTER 847

An act to amend Section 39107 of, and to add Section 39052.2 to, the Health and Safety Code, relating to air pollution.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 39052.2 is added to the Health and Safety Code, to read:

39052.2. The board shall adopt for used motor vehicles such exhaust emission standards as are necessary and technically feasible to carry out the purposes of this part.

SEC. 2. Section 39107 of the Health and Safety Code is amended to read:

39107. In order for an exhaust emission device to be accredited by the board pursuant to Article 5 (commencing with Section 39175) of this chapter it shall not allow emissions exceeding any of the following:

(a) 350 parts per million hydrocarbons.

(b) 2 percent carbon monoxide.

(c) 800 parts per million nitrogen oxide.

However, if no exhaust emission device meets all three of the maximums specified in subdivisions (a), (b), and (c), the board may accredit an exhaust emission device which meets any two of the three maximums specified, provided that the installation of such device in a motor vehicle would not increase

the other emission in excess of the emission of that pollutant by the vehicle in the absence of such a device.

If two or more exhaust emission devices are accredited that meet the requirements of this section, the board may not require the installation of more than one exhaust emission device on any vehicle.

CHAPTER 848

An act to amend Sections 39127, 39175, and 39178 of the Health and Safety Code, relating to air pollution.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 39127 of the Health and Safety Code is amended to read:

39127. The board may revoke, suspend, or restrict a certificate of a previously certified device or an exemption previously granted upon a determination by the board that the device no longer operates within the standards set by the board or no longer meets the criteria adopted pursuant to subdivision (e) of Section 39175 or no longer should be exempted. Provided that once any motor vehicle is equipped with a certified device it shall not thereafter be deemed in violation of this chapter or of Section 27156 of the Vehicle Code, because the certification of such device is subsequently revoked, suspended or restricted, and replacement parts for such device may continue to be supplied and used for such vehicle, unless such revocation, suspension or restriction is based upon a finding that the certified device has been found to be unsafe in actual use or is otherwise mechanically defective, in which event such devices shall be brought into compliance with this chapter within 30 days after such finding.

SEC. 2. Section 39175 of the Health and Safety Code is amended to read:

39175. The board shall have the powers and authority necessary to carry out the duties imposed on it by this article including, but not limited to, the following:

(a) To adopt rules and regulations in accordance with the provisions of the Administrative Procedure Act (commencing with Section 11370) of the Government Code, necessary for proper execution of the powers and duties granted to, and imposed upon the board by this article.

(b) To employ such technical and other personnel as may be necessary for the performance of its powers and duties.

(c) To determine and publish by January 1, 1969, tests and procedures for the accreditation of used car exhaust emission control and fuel system evaporative loss control devices.

(d) To accredit motor vehicle pollution control devices following tests by the board or by a board-designated laboratory in which the board finds that the device operates within the standards set in Article 2 (commencing with Section 39100) of this chapter or that the device effectively controls harmful pollutants not specifically mentioned in Article 2 (commencing with Section 39100) of this chapter, or that the device effectively controls emissions from a part of the vehicle not specifically mentioned in Article 2 (commencing with Section 39100) of this chapter. Any device accredited shall be technologically feasible.

(e) To determine and publish the criteria for accreditation.

SEC. 3. Section 39178 of the Health and Safety Code is amended to read:

39178. The board may revoke, suspend or restrict an accreditation of a previously accredited device or an exemption previously granted upon a determination by the board that the device no longer operates within the standards set by the board or no longer meets the criteria adopted pursuant to subdivision (e) of Section 39175 or no longer should be exempted. Provided that once any motor vehicle is equipped with an accredited device it shall not thereafter be deemed in violation of this chapter or Section 27156 of the Vehicle Code because the accreditation of such device is subsequently revoked, suspended or restricted, and replacement parts for such device may continue to be supplied and used for such vehicle, unless such revocation, suspension or restriction is based upon a finding that the accredited device has been found to be defective, in which event such devices must be brought into compliance with this chapter within 30 days after such finding.

CHAPTER 849

An act to amend Section 104.6 of the Streets and Highways Code, relating to property held for highways.

[Approved by Governor August 23, 1969 Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 104.6 of the Streets and Highways Code is amended to read:

104.6. The authority conferred by this code to acquire real property for state highway purposes includes authority to acquire for future needs. Structures maintained or allowed to remain on property which has been acquired or is acquired in the future for future highway needs shall be maintained in conformance with standards established in the building and safety ordinances of the city or county having jurisdiction. The

standards to which such structure shall be made to conform are those standards, except for such variances as may be applicable to the structure when acquired, of the city or county having jurisdiction which are in effect at the time of acquisition by the department.

The department is authorized to lease any lands which are held for state highway purposes and are not presently needed therefor on such terms and conditions as the director may fix and to maintain and care for such property in order to secure rent therefrom. Twenty-four percent of all rent so received shall be deposited in the Highway Properties Rental Fund in the State Treasury, which fund is hereby created, except that any rent required under the California Toll Bridge Authority Act or any bond indenture executed under said act to be deposited in some other fund shall be deposited in such other fund. The balance of such rent shall be deposited in the State Highway Fund.

Whenever it is determined by the Department of Public Works that any rental revenue collected under the provisions of this section represents overpayment or payment in duplicate, that department may make refund of such overpayment or payment in duplicate from the Highway Properties Rental Fund and the State Highway Fund.

CHAPTER 850

An act to amend Section 4700 of the Labor Code, relating to workmen's compensation.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 4700 of the Labor Code is amended to read:

4700. The death of an injured employee does not affect the liability of the employer under Articles 2 and 3 of this chapter so far as such liability has accrued and become payable to the date of the death. Neither temporary nor permanent disability payments shall be made for any period of time subsequent to the death of the employee. Any accrued and unpaid compensation shall be paid to the dependents, or, if there are no dependents, to the personal representative of the deceased employee or heirs or other persons entitled thereto, without administration.

CHAPTER 851

An act to add Section 5077.1 to the Public Resources Code, relating to riding and hiking trails.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 5077.1 is added to the Public Resources Code, to read:

5077.1. Notwithstanding the prohibition contained in Section 5077 against acquiring by eminent domain property or interests in property for trails established pursuant to this article, the Department of Public Works shall, pursuant to Section 104.2 of the Streets and Highways Code, replace, through the exercise of eminent domain, the riding and hiking trail in the vicinity of Alhambra Avenue in Martinez acquired by the department for highway purposes through the use of eminent domain.

CHAPTER 852

An act to amend Section 12723 of the Business and Professions Code, relating to public weighmasters.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 12723 of the Business and Professions Code is amended to read:

12723. Any person is guilty of a misdemeanor who does any of the following acts:

(a) Requests a public weighmaster, or any person employed by him, to weigh, measure or count any commodity falsely or incorrectly.

(b) Requests a false or incorrect state certificate of weights and measures.

(c) Issues a state certificate of weights and measures when he is not a public weighmaster.

(d) Possesses unfilled or unused certificates of weights and measures forms if he is not a public weighmaster. This subdivision does not apply to the following persons:

(1) Persons engaged in the business of printing state certificates of weights and measures forms and their representatives.

(2) Persons possessing or transporting combination grade and weight certificates to be used by employees of marketing

order boards or grading inspection services of either the Department of Agriculture of this state or the United States under conditions prescribed by regulation adopted by the Director of Agriculture of this state pursuant to Section 12738.

(e) Furnishes or gives false information to a weighmaster for use in the completion of a state certificate of weights and measures.

(f) Presents for payment a certificate made false by the insertion of any weight, measure or count not determined by the issuing weighmaster.

CHAPTER 853

An act to add Sections 276 and 18654.5 to the Government Code, relating to partial revision of the Constitution of the State of California.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 276 is added to the Government Code, to read:

276. Delegates to a Constitutional Convention shall be voters elected from districts as nearly equal in population as may be practicable.

SEC. 2. Section 18654.5 is added to the Government Code, to read:

18654.5. The executive officer shall administer the civil service statutes under rules of the board, subject to the right of appeal to the board.

SEC. 3. This act shall become operative only if Assembly Constitutional Amendment No. 28 of the 1969 Regular Session is adopted by the people, in which event it shall become operative at the same time as Assembly Constitutional Amendment No. 28.

CHAPTER 854

An act to add Section 7351.5 to the Public Resources Code, relating to sale of public lands.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 7351.5 is added to the Public Resources Code, to read:

7351.5. Lands belonging to this state, which are suitable for cultivation, shall be granted only to actual settlers, and in

quantities not exceeding 320 acres for each settler, under such conditions as shall be prescribed by law.

SEC. 2. This act shall become operative only if Assembly Constitutional Amendment No. 30 of the 1969 Regular Session is adopted by the people, in which event it shall become operative at the same time as Assembly Constitutional Amendment No. 30.

CHAPTER 855

An act to add Section 395.5 to the Code of Civil Procedure, to add Sections 128 and 129 to the Corporations Code, to amend Sections 310, 454, 1206, and 1403 of, and to add Sections 461.5, 728.5, and 7509 to, the Public Utilities Code, relating to codification of various provisions to be omitted from the California Constitution in its revision.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 395.5 is added to the Code of Civil Procedure, to read:

395.5. A corporation or association may be sued in the county where the contract is made or is to be performed, or where the obligation or liability arises, or the breach occurs; or in the county where the principal place of business of such corporation is situated, subject to the power of the court to change the place of trial as in other cases.

SEC. 2. Section 128 is added to the Corporations Code, to read:

128. A corporation or association may be sued as provided in Section 395.5 of the Code of Civil Procedure.

SEC. 2.5. Section 129 is added to the Corporations Code, to read:

129. No corporation, association, or individual shall issue or put in circulation, as money, anything but the lawful money of the United States.

SEC. 3. Section 310 of the Public Utilities Code is amended to read:

310. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. A majority of the commissioners shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the commission. Any investigation, inquiry, or hearing which the commission has power to undertake or to hold may be undertaken or held by or before any commissioner or commissioners designated for the purpose by the commission. The evidence in any investigation, inquiry, or hearing may be taken by the commissioner or commissioners to whom such investigation,

inquiry, or hearing has been assigned or, in his or their behalf, by an examiner designated for that purpose. Every finding, opinion, and order made by the commissioner or commissioners so designated, pursuant to such investigation, inquiry, or hearing, when approved or confirmed by the commission and ordered filed in its office, shall be deemed to be the finding, opinion, and order of the commission.

SEC. 4. Section 454 of the Public Utilities Code is amended to read:

454. (a) No public utility shall raise any rate or so alter any classification, contract, practice, or rule as to result in any increase in any rate except upon a showing before the commission and a finding by the commission that such increase is justified.

(b) No railroad or other transportation company shall raise any rate or charge for the transportation of freight or passengers or any charge connected therewith or incidental thereto, under any circumstances whatsoever, except upon a showing before the commission that such increase is justified. The decision of the commission upon the showing so made shall not be subject to review by any court except upon the question of whether such decision of the commission will result in confiscation of property.

(c) The commission may establish such rules as it considers reasonable and proper for each class of public utility providing for the nature of the showing required to be made in support of proposed increases, the form and manner of the presentation of such showing, and the procedure to be followed in the consideration thereof. Rules applicable to common carriers may provide for the publication and filing of any proposed increase together with a written showing in support thereof, giving notice of such filing and showing in support thereof to the public, affording an opportunity for protests thereto, and to the consideration of, and action on, such showing and any protests filed thereto by the commission, with or without hearing; provided that the proposed increase shall not become effective until it has been approved by the commission.

SEC. 5. Section 461.5 is added to the Public Utilities Code, to read:

461.5. No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this state. It shall be unlawful for any railroad or other transportation company to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property for a shorter than for a longer distance over the same line or route in the same direction, the shorter being included within the longer distance, or to charge any greater compensation as a through rate than the aggregate of the intermediate rates.

Upon application to the commission such company may, in special cases, after investigation, be authorized by the commission to charge less for longer than for shorter distances for the transportation of persons or property and the commission may from time to time prescribe the extent to which such company may be relieved from the prohibition to charge less for the longer than for the shorter haul. The commission may authorize the issuance of excursion and commutation tickets at special rates.

Nothing contained in this section shall be construed to prevent the commission from ordering and compelling any railroad or other transportation company to make reparation to any shipper on account of the rates charged to such shipper being excessive or discriminatory, provided no discrimination will result from such reparation.

SEC. 6. Section 728.5 is added to the Public Utilities Code, to read:

728.5. The commission may establish rates or charges for the transportation of passengers and freight by railroads and other transportation companies, and no railroad or other transportation company shall charge or demand or collect or receive a greater or less or different compensation for such transportation of passengers or freight, or for any service in connection therewith, between the points named in any tariff of rates established by the commission than the rates, fares and charges which are specified in such tariff. The commission may examine books, records and papers of all railroad and other transportation companies; may hear and determine complaints against railroad and other transportation companies; and may issue subpoenas and all necessary process and send for persons and papers. The commission and each of the commissioners may administer oaths, take testimony and punish for contempt in the same manner and to the same extent as courts of record. The commission may prescribe a uniform system of accounts to be kept by all railroad and other transportation companies.

SEC. 7. Section 1206 of the Public Utilities Code is amended to read:

1206. With the consent and upon the request of the condemnor and condemnee the commission may fix the just compensation to be paid for property or any interest in or to property to be taken or damaged in the separation of grades at any crossing specified in Section 1202, or for property or any interest in or to property to be taken or damaged in the construction, alteration, or relocation, under the order or with the approval of the commission, of elevated tracks or subways for any railroad or street railroad over or under any public road, street, highway, or private right-of-way, or of any public road, street, or highway over or under the tracks of any railroad corporation or street railroad corporation, and upon the payment of the compensation so fixed may make a final order of condemnation.

SEC. 8. Section 1403 of the Public Utilities Code is amended to read:

1403. With the consent and upon the request of the condemnor and condemnee any political subdivision may, at any time, file with the commission either a petition of the first class, setting forth the intention of the political subdivision to acquire under eminent domain proceedings, or otherwise, the lands, property, and rights of any character whatsoever of any public utility or a petition of the second class, setting forth the intention of the political subdivision to initiate such proceedings as may be required under the law governing the political subdivision for the purpose of submitting to the voters of the political subdivision a proposition to acquire under eminent domain proceedings, or otherwise, the lands, property, and rights of any character whatsoever of any public utility.

SEC. 9. Section 7509 is added to the Public Utilities Code, to read:

7509. No president, director, officer, agent, or employee of any railroad corporation shall be interested, directly or indirectly, in the furnishing of material or supplies to such corporation, nor in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or worked by such corporation, except such interest in the business of transportation as lawfully flows from the ownership of stock therein.

SEC. 10. This act shall become operative only if Assembly Constitutional Amendment No. 31 of the 1969 Regular Session is adopted by the people, in which event it shall become operative at the same time as Assembly Constitutional Amendment No. 31.

CHAPTER 856

An act to amend Section 228 of the Probate Code, relating to succession.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 228 of the Probate Code is amended to read:

228. If the decedent leaves neither spouse nor issue, and the estate or any portion thereof was community property of the decedent and a previously deceased spouse, and belonged or went to the decedent by virtue of its community character on the death of such spouse, or came to the decedent from said spouse by gift, descent, devise or bequest, or became vested in the decedent on the death of such spouse by right of survivorship in a homestead, or in a joint tenancy between such spouse and the decedent or was set aside as a probate homestead, such

property goes in equal shares to the children of the deceased spouse and their descendants by right of representation, and if none, then one-half of such community property goes to the parents of the decedent in equal shares, or if either is dead to the survivor, or if both are dead in equal shares to the brothers and sisters of the decedent and their descendants by right of representation, and the other half goes to the parents of the deceased spouse in equal shares, or if either is dead to the survivor, or if both are dead, in equal shares to the brothers and sisters of said deceased spouse and to their descendants by right of representation.

If any of the property subject to the provisions of this section would otherwise escheat to this state because there is no relative, including next of kin of the decedent or of his predeceased spouse, such property shall be distributed in accordance with the provisions of paragraph 2 of Section 296.4 of this code.

CHAPTER 857

An act to amend Sections 2080.4, 2080.6, and 2080.8 of the Civil Code and Sections 1411 and 1418 of the Penal Code, relating to sale of unclaimed property.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 2080.4 of the Civil Code is amended to read:

2080.4. Notwithstanding the provisions of Section 2080.3 or Section 2080.6, the legislative body of any city, city and county, or county may provide by ordinance for the care, restitution, sale or destruction of unclaimed property in the possession of the police department of such city or city and county or of the sheriff of such county. Any city, city and county, or county adopting such an ordinance shall provide therein (1) that such unclaimed property except unclaimed bicycles, shall be held by the police department or sheriff for a period of at least four months, and that unclaimed bicycles shall be held for a period of at least three months, and (2) that thereafter such property will be sold at public auction to the highest bidder, with notice of such sale being given by the chief of police or sheriff at least five days before the time fixed therefor by publication once in a newspaper of general circulation published in the county, or that thereafter such property will be transferred to the local government purchasing and stores agency or other similar agency for sale to the public at public auction. If such property is transferred to a county purchasing agent it may be sold in the manner provided by Article 7 (commencing with Section 25500) of Chapter 5 of Part 2 of

Division 2 of Title 3 of the Government Code for the sale of surplus personal property. If property is transferred to the local government purchasing and stores agency or other similar agency pursuant to this section, such property shall not be redeemable by the owner or other person entitled to possession. If the local government purchasing and stores agency or other similar agency determines that any such property transferred to it for sale is needed for a public use, such property may be retained by the agency and need not be sold.

SEC. 2. Section 2080.6 of the Civil Code is amended to read:

2080.6. Any public agency may elect to be governed by the provisions of this article with respect to disposition of personal property found or saved on property subject to its jurisdiction, or may adopt reasonable regulations for the care, restitution, sale or destruction of unclaimed property in its possession. Any public agency adopting such regulations shall provide therein (1) that such unclaimed property shall be held by such agency for a period of at least three months, (2) that thereafter such property will be sold at public auction to the highest bidder, and (3) that notice of such sale shall be given by the chief administrative officer of such agency at least five days before the time fixed therefor by publication once in a newspaper of general circulation published in the county in which such property was found. Any property remaining unsold after being offered at such public auction may be destroyed or otherwise disposed of by the public agency. In a county having a purchasing agent, the purchasing agent may conduct such sale, in which case the provisions of subdivisions (2) and (3) of this section shall not be applicable. Such sale shall be made by the county purchasing agent in the manner provided by Article 7 (commencing with Section 25500) of Chapter 5 of Part 2 of Division 2 of Title 3 of the Government Code for the sale of surplus personal property. If the public agency determines that any such property transferred to it for sale is needed for a public use, such property may be retained by the agency and need not be sold.

SEC. 3. Section 2080.8 of the Civil Code is amended to read:

2080.8. The Regents of the University of California may provide by resolution or regulation for the care, restitution, sale or destruction of unclaimed property in the possession of the Regents of the University of California or of the University of California Police Department. Any resolution or regulation adopted pursuant to this section shall provide therein (1) that such unclaimed property shall be held by the Regents of the University of California or the University of California Police Department for a period of at least three months, (2) that thereafter such property will be sold at public auction to the highest bidder, and (3) that notice of such sale shall be given by the Regents of the University of California or the

University of California Police Department at least five days before the time therefor by publication once in a newspaper of general circulation published in the county in which such property is held. The Regents of the University of California may dispose of any such property upon which no bid is made at any such sale.

SEC. 4. Section 1411 of the Penal Code is amended to read:

1411. Except as provided in Section 516 of the Welfare and Institutions Code, if the property stolen or embezzled is not claimed by the owner before the expiration of six months from the conviction of a person for stealing or embezzling it, or in the case of a bicycle before the expiration of three months from such conviction, the magistrate or other officer having it in custody must, on the payment of the necessary expenses incurred in its preservation, deliver it to the county treasurer or other proper county officer, by whom it must be sold and the proceeds paid into the county treasury. If such property is transferred to the county purchasing agent it may be sold in the manner provided by Article 7 (commencing with Section 25500) of Chapter 5 of Part 2 of Division 2 of Title 3 of the Government Code for the sale of surplus personal property. If the county officer determines that any such property transferred to him for sale is needed for a public use, such property may be retained by the county and need not be sold.

SEC. 5. Section 1418 of the Penal Code is amended to read:

1418. The court may, on application of the party entitled thereto, or an agent designated in writing by the owner, order all such exhibits, other than documentary exhibits, as may be released from the custody of the court without prejudice to the state, delivered to such party at any time after the final determination of the action or proceedings; provided, however, where the action or proceeding has resulted in an order granting probation, such delivery may be made any time after the final determination of an appeal of such order, taken under the provisions of Section 1237, or after the time for such appeal has elapsed. In all cases in which the death penalty has been imposed no such order shall be made until the sentence of death has been carried out. If the party entitled to such exhibits is unknown, or fails to apply for the return of such exhibits, the procedure for their disposition shall be as follows:

After the expiration of one year from the time the conviction becomes final, or if the action or proceeding has not resulted in a conviction, at any time after the judgment has become final, the court in which the case was tried shall make an order specifying what exhibits may be released from the custody of the court without prejudice to the state. Upon receipt of such an order, the clerk of the court shall transfer the property to the county purchasing and stores agency or other proper county agency for sale to the public.

At any time prior to the time fixed for the transfer, the owner or any person entitled to the possession of any of such

exhibits may obtain from the court an order returning them to him.

Articles not returned to their owners or to persons entitled to their possession at or prior to the time set for the transfer shall be sold by the proper receiving agency for cash; said articles shall be sold singly or in combinations. The money received from such sales shall be placed in the general fund of the county.

Where the exhibit consists of money or currency and is unclaimed at the time of the transfer, the clerk shall not transfer it but shall immediately deposit it in the general fund of the county.

No exhibit shall be destroyed pursuant to the provisions of this section, until 60 days after notice of such proposed destruction has been served upon the party entitled to such exhibit by delivery of the notice to such party if his present residence is known, to his attorney of record if such party's present residence is not known, or to such party's last known address if his present residence is not known and he has no attorney of record. However, such notice is not necessary if the party entitled to such exhibit consents to its destruction.

If any property is transferred to the county purchasing agent pursuant to this section it may be sold in the manner provided by Article 7 (commencing with Section 25500) of Chapter 5 of Part 2 of Division 2 of Title 3 of the Government Code for the sale of surplus personal property. If the county purchasing and stores agency or other proper county agency determines that any such property transferred to it for sale is needed for a public use, such property may be retained by the agency and need not be sold.

CHAPTER 858

An act to amend Sections 12144 and 12280.2 of, to amend and renumber the heading of Chapters 4 (commencing with Section 12250), 5 (commencing with Section 12280), and 6 (commencing with Section 12310) of Part 5 of Division 2 of, to add Sections 12153, 12156, 12159, and 12256 to, to add Chapter 2 (commencing with Section 12160) to Part 5 of Division 2 of, to repeal Sections 12153, 12156, 12282, and 12283 of, and to repeal Chapters 2 (commencing with Section 12190) and 3 (commencing with Section 12220) of Part 5 of Division 2 of, the Insurance Code, relating to motor clubs.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 12144 of the Insurance Code is amended to read:

12144. Motor club service is the rendering or procuring of, or reimbursement for, any of the services defined in this chapter to any person in connection with the ownership, operation, use or maintenance of a motor vehicle, including a vacation trailer, house or otherwise, or a boat capable of ordinary transportation on a trailer and its trailer, by such person upon any of the following considerations:

(a) Such person is or will become a member of the club rendering or furnishing the service.

(b) Such person is or will become in any manner affiliated with such club.

(c) Such person is or will become entitled to receive membership or other motor club service from the club by virtue of any agreement or understanding with any such club.

This section shall not authorize a motor club to furnish any service on a reimbursement basis which constitutes the transaction of insurance. The commissioner may make reasonable rules and regulations specifying services which constitute the transaction of insurance for the purposes of this part and which may not be offered on a reimbursement basis. Such rules and regulations shall be adopted, amended, and repealed in accordance with the procedure provided in Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 2. Section 12153 of the Insurance Code is repealed.

SEC. 3. Section 12153 is added to the Insurance Code, to read:

12153. Travel service is the furnishing by a motor club of touring and travel aids and assistance, and may include any or all of the following:

(a) Road maps, touring guides, directories of accommodations for travelers, club periodicals, travel information, magazines, and brochures.

(b) Procuring travel tickets of all kinds and reservations for accommodations in connection therewith.

SEC. 4. Section 12156 of the Insurance Code is repealed.

SEC. 5. Section 12156 is added to the Insurance Code, to read:

12156. Insurance service is the selling or giving, with a service contract or as a result of membership in or affiliation with a motor club, of a policy of insurance covering liability or loss by the holder resulting from injury or damage to person or property arising out of an accident, such liability or loss being the consequence of the ownership, maintenance, operation, or use of a motor vehicle.

Insurance service also includes the selling or giving with a service contract or as a result of membership in or affiliation with a motor club, of a policy of insurance, or a certificate under a master policy in which the club is the master policyholder, covering the club member, or any member of his family, for loss, other than loss of time, from accidental injury

from any cause or accidental death from any cause. For such purpose any certificated motor club is deemed to be an "association" within the meaning of Section 10270.5 and the club members and members of their families are deemed to be members of such association.

SEC. 6. Section 12159 is added to the Insurance Code, to read:

12159. Miscellaneous service means any other service which may be furnished and which augments or is incidental to any service performed by the club as authorized under the provisions of this chapter or any other service which is of assistance and is beneficial to its members and is feasible for the club to render.

SEC. 7. Chapter 2 (commencing with Section 12160) is added to Part 5 of Division 2 of the Insurance Code, to read:

CHAPTER 2. CERTIFICATE OF AUTHORITY

12160. (a) A person shall not render or agree to render motor club service in this state without first obtaining from the commissioner a certificate of authority to act as a motor club.

(b) The issuance, sale, or offer for sale in this state of securities of its own issue by any motor club shall be subject to the provisions of Article 8 (commencing with Section 820) of Chapter 1 of Part 2 of Division 1 of this code the same as if motor clubs were included in Section 826 thereof, and any such club shall not be subject to the Corporate Securities Law in the Corporations Code.

12161. Application for a certificate of authority shall be made on a form prescribed by the commissioner, accompanied by a filing fee of two hundred fifty dollars ($250). Such certificate shall not be granted until the applicant conforms to the requirements of this part and the laws of this state prerequisite to its issue. After such issue the holder shall continue to comply with the requirements of this part and the laws of this state.

12162. The commissioner shall not issue a certificate of authority to any motor club until:

(a) It files with him the following:

1. A formal application for the certificate in such form and detail as the commissioner requires, executed under oath by its president or other principal officer.

2. A certified copy of its charter or articles of incorporation and its bylaws, if any.

3. A copy of its latest financial statement, or report of independent audit as the commissioner may require; or, in the event neither is available, its most recent operating statement and balance sheet. Any such financial statement, audit, operating and balance sheet shall be verified by the person compiling

or making the same and by an executive officer of the applicant.

4. If it is a foreign corporation, a certificate from its domiciliary state regulatory authority executed not more than 30 days before the filing of its application that it is duly authorized to do a motor club business in that state.

5. An explanation of its plan of doing business, and copies of the following: its application for membership; the proposed membership certificate or identification card; any proposed addendum thereto; any individual insurance policy and any group master policy and individual certificates thereunder to be offered; any service contract to be issued.

6. Such other information as the commissioner may find necessary in order to determine applicant's qualifications.

(b) It first deposits security with the commissioner in one of the following forms:

1. Securities of the kinds prescribed by this code for capital fund investments by stock insurers and approved by the commissioner, in the amount of one hundred thousand dollars ($100.000) based on par value or market value, whichever is less. The making, maintenance and withdrawal of such deposits and the substitution of securities therein shall be governed by Article 11 (commencing with Section 939) of Chapter 1 of Part 2 of Division 1 of this code; or

2. A surety bond on a form prescribed by the Attorney General of this state, executed by an admitted surety insurer in the penal sum of one hundred thousand dollars ($100,000).

(c) It pays to the commissioner an annual license fee of one hundred dollars ($100).

(d) Its name is approved by the commissioner under the provisions of Section 881, the provisions of which section are hereby made applicable to motor clubs.

(e) It proves by affidavits of its officers, directors, managers, and individual owners of more than 10 percent on a form prescribed by the commissioner that it is not disqualified under the provisions of Section 704.5 of this code.

(f) It satisfies the commissioner it is qualified as respects each of the subjects enumerated in subdivisions (b), (c), (e), (f), (h), (i), and (j) of Section 717, when the same are read in the sense of protection to its members instead of policyholders.

(g) It is a separate legal entity capable of being examined by the commissioner as provided in this part.

12163. (a) The security required by subdivision (b) of Section 12162 shall thereafter be continuously maintained by a motor club in one of the forms prescribed. Failure of a motor club so to maintain the same shall be cause for revoking its certificate of authority.

(b) Such security shall be for the protection, use, and benefit of all persons whose applications for membership in a motor

club have been accepted by such club or its representative and of this state as respects fees, fines, penalties, and taxes. Such security shall be subject to the following conditions, and, if a bond, shall be expressly so conditioned:

1. The club shall faithfully furnish and render to all persons whose applications for membership have been accepted any and all of the motor club benefits and services sold or offered for sale by it.

2. The club will faithfully conform to all provisions of law of the state pertaining to the sale and rendering of "motor club service" as defined and provided in Part 5 (commencing with Section 12140) of Division 2 of this code.

3. The club will promptly pay all fees, fines, penalties, and taxes which may be levied against it under authority of law.

4. If the club ceases to do business in this state as a motor club, it shall comply with the appropriate withdrawal procedure.

(c) Any person defrauded or injured by any wrongful act, misrepresentation, or failure on the part of the club with respect to the selling or rendering of any of its benefits or services may bring suit on the bond, if the security be a bond, in his own name. The commissioner may bring suit on such bond. If the security be a deposit of securities, any such a person or the commissioner may levy upon the same in execution of a judgment.

12164. (a) The commissioner may revoke or suspend the certificate of authority of a motor club whenever, after a hearing in accordance with the procedure provided in Section 701, he finds that any of the following circumstances exist:

1. The club has violated any provision of this part.

2. It or its officers refuse to submit to an examination, as provided for in Section 12169.

3. It is transacting business fraudulently.

4. It is no longer able to qualify for issuance to it of a certificate of authority as a motor club.

(b) The commissioner may give notice of such revocation or suspension to the public in such manner as he deems proper.

(c) All of the provisions of Article 14 (commencing with Section 1010) of Chapter 1 of Part 2 of Division 1 of this code not inconsistent with this part shall apply to motor clubs.

For the purpose of this part, "insolvency" means that a club's assets are less than its liabilities.

12165. Subject to the annual fee provisions herein, every certificate of authority issued or held under this part shall be for an indefinite term and, unless sooner revoked by the commissioner, shall terminate upon occurrence of any of the following:

(a) Upon the holder's ceasing to exist as a separate entity.

(b) Upon the winding up, or dissolution, or expiration, or forfeiture of the holder's corporate existence.

(c) Upon completion of the withdrawal procedure prescribed by Article 15 (commencing with Section 1070) of Chapter 1 of Part 2 of Division 1 of this code and surrender by the holder of its certificate of authority and cancellation of the same by the commissioner. All provisions of such article not inconsistent with this part shall apply.

(d) Upon the entry of a final court order in a proceeding under said Article 14 (commencing with Section 1010), Chapter 1 of Part 2 of Division 1 of this code.

12166. Notwithstanding the preceding provisions for a certificate of authority of indefinite term, each holder of a certificate of authority under this chapter shall owe and pay in advance to the commissioner an annual fee of one hundred dollars ($100) on account of such certificate of authority until its final termination or revocation. Such fee shall be for annual periods commencing on July 1st of each year and ending on June 30th of each year and shall be due on each March 1st and shall be delinquent on and after each April 1st.

12167. Qualification of a motor club for a certificate of authority under this part does not require prior qualification with the Secretary of State under the Corporations Code for an intrastate business, but the issuance to it of a certificate of authority under this part does not relieve such foreign applicant of any duty to qualify with the Secretary of State pursuant to the Corporations Code before transacting intrastate business in this state.

12168. Annually on or before March 1st of each year, copies of any instruments making any changes in articles of incorporation, bylaws, and membership certificate or identification card or service contract required by this part to be filed with the application for admission shall be filed with the commissioner. In the case of articles of incorporation, an amendment or certificate of amendment shall be certified by the official custodian of the original as a true copy of the same on file in his office. Amended bylaws or other papers shall be certified by the corporation secretary over the corporate seal to be true copies of the same currently adopted. The commissioner shall require the payment of ten dollars ($10) in advance for each such annual filing of amended documents or papers pursuant to this article.

12169. (a) Whenever the commissioner has reasonable cause to believe that a motor club is insolvent or is transacting its business in a fraudulent manner, he may demand from the club a statement under oath setting forth its assets and liabilities. He may, for the purpose of verifying the correctness of such statement, examine the books and affairs of the club.

(b) If such statement is not furnished within 20 days from the time of such demand by the commissioner, or if, upon the examination of such records, the statement furnished or any record examined is found to contain any willful misstatement

of fact, the expense of the examination shall be paid by the motor club.

(c) Whenever any foreign motor club applies for admission, the commissioner may make, or cause to be made by the motor club regulatory authority of its domiciliary state, an examination of the applicant's motor club business and affairs. Whenever such an examination is made, all of the provisions of Article 4 (commencing with Section 730) Chapter 1 of Part 2 of Division 1 of this code not inconsistent with this part shall be applicable.

12170. Motor clubs certificated on the effective date of this chapter shall not be required to be recertificated, but thereafter shall be subject to the provisions of this chapter and shall be issued continuous certificates of authority subject to the conditions provided in this chapter.

SEC. 8. Chapter 2 (commencing with Section 12190) of Part 5 of Division 2 of the Insurance Code is repealed.

SEC. 9. Chapter 3 (commencing with Section 12220) of Part 5 of Division 2 of the Insurance Code is repealed.

SEC. 10. The heading of Chapter 4 (commencing with Section 12250) of Part 5 of Division 2 of the Insurance Code is amended and renumbered to read:

CHAPTER 3. THE SERVICE CONTRACT

SEC. 11. Section 12256 is added to the Insurance Code, to read:

12256. Any motor club may elect not to execute, issue, or deliver service contracts in this state. A club may distribute brochures, prospectuses, or advertisements which are not contracts. Such materials may be issued or delivered without prior approval of the commissioner.

If a club does not use service contracts it shall execute, issue, and deliver membership cards, tokens, or other indicia of membership to its members.

SEC. 12. The heading of Chapter 5 (commencing with Section 12280) of Part 5 of Division 2 of the Insurance Code is amended and renumbered to read:

CHAPTER 4. AGENTS

SEC. 13. Section 12280.2 of the Insurance Code is amended to read:

12280.2. The fee for filing application for license as motor club agent is the same as that for filing application for license as insurance agent and the provisions of Chapter 5 (commencing with Section 1621), Part 2, Division 1, applicable to insurance agents are applicable to motor club agents and their licenses.

Insurance agents and brokers licensed under Chapter 5 (commencing with Section 1621), Part 2, Division 1, need not be licensed to act as motor club agents under this article.

This section shall not permit a motor club agent to have a certificate of convenience nor a nonresident license, but shall require only club appointments, and shall not require the keeping of records or fiduciary accounts Appropriate licenses and license applications may be prescribed by the commissioner.

SEC. 14. Section 12282 of the Insurance Code is repealed.

SEC. 15. Section 12283 of the Insurance Code is repealed.

SEC. 16. The heading to Chapter 6 (commencing with Section 12310) of Part 5 of Division 2 of the Insurance Code is amended and renumbered to read:

CHAPTER 5. PENALTIES

CHAPTER 859

An act to amend Section 460 of the Insurance Code, relating to insurance.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 460 of the Insurance Code is amended to read:

460. On and after January 1, 1972, every printed form of an insurance contract, including every policy, endorsement, rider or any amendment thereof issued in this state by any insurer or issued for delivery in this state by any insurer shall state an inception hour for coverage of 12:01 a.m. of the date upon which it is to be dated. Unless a specific provision of this code otherwise prescribes or permits, the hour prescribed shall be standard time at the residence within this state, or the principal place of business within this state, of the insured.

This section shall not prohibit an insurer, directly or through an agent, from issuing a binder, whether it be oral or typed by insertions in blanks in a printed form, specifying an inception or termination hour other than 12:01 a.m. on the date upon which the coverage is to commence, or end, as specified in the standard form or forms issued as the normal policy. Such binder shall not be subject to Section 382 nor have the technical meaning therein ascribed to "covering notes."

This section shall not prohibit an insurer from issuing any policy or contract on a normal printed form which contains a provision extending the period of coverage for either 12 hours preceding, or following, the effective hour otherwise required by this section.

This section shall not apply to:

(1) Life insurance as defined in Section 101 or such supplemental disability insurance as is defined in Sections 10271 and 10292.

(2) Marine insurance as defined in Section 103.
(3) Title insurance as defined in Section 104.
(4) Mortgage insurance as defined in Section 107.
(5) Mortgage guarantee insurance as defined in Section 119.
(6) Surety insurance, as defined in Section 105, or disability insurance, as defined in Section 106, unless, until, and to the extent following:

The commissioner, on or after the effective date of the amendment of this section at the 1969 Regular Session of the Legislature, from time to time, as to specific types, classes, or categories of such insurance, declares, by rules and regulations promulgated as provided by law, that this section shall apply. Such rules or regulations shall provide that no policy or other form required by law to be approved by the commissioner need be refiled for approval if the only change from a previously approved form is the inclusion or change of the inception or termination hour.

CHAPTER 860

An act to amend Section 12002 of the Revenue and Taxation Code, relating to tax upon insurance.

[Approved by Governor August 23, 1969 Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 12002 of the Revenue and Taxation Code is amended to read:

12002. "Ocean marine insurance" means insurance written within this state upon hulls, freights, or disbursements, or upon goods, wares, merchandise, and all other personal property and interests therein, in course of exportation from, importation into any country, or transportation coastwise, including transportation by land or water from point of origin to final destination in respect to, appertaining to, or in connection with, any and all risks or perils of navigation, transit or transportation, any portion of which exportation, importation, transportation, navigation, transit, or shipment is upon any ocean, and upon the property while being prepared for and while awaiting shipment, and during any delays, storage, transshipment or reshipment incident to or in connection with the shipment or transportation. "Ocean marine insurance" includes marine builders and war risk insurance.

"Ocean marine insurance" does not, for the purpose of taxation of such insurance as provided in subsection (g) of Section $14\frac{4}{5}$ of Article XIII of the Constitution, include insurance written upon:

(a) A hull, which is not a documented vessel registered with the Transportation Department of the United States; or

(b) Anything carried in, attached to, used in transportation of or any risk written in connection with any hull defined in (a) above, unless:

The insurance is upon a customary ocean marine form and such hull and the risks mentioned in (b) above are covered for one who is in the business of:

(1) Renting or chartering boats;

(2) Using boats himself for commercial purposes; or

(3) Building or repairing boats.

Insurance not included in "ocean marine insurance" by this section shall be taxed in accordance with the other provisions of Section 14⅘ of Article XIII of the Constitution.

The 1969 amendment of this section shall be construed as a restatement and continuation of the law existing prior to such amendment.

CHAPTER 861

An act to amend Section 6737.4 of the Business and Professions Code, relating to engineering.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 6737.4 of the Business and Professions Code is amended to read:

6737.4. This chapter does not prohibit a contractor, licensed under Chapter 9 (commencing with Section 7000) of Division 3, while engaged in the business of contracting for the installation of electrical or mechanical systems or facilities, from designing such systems or facilities in accordance with applicable construction codes and standards for work to be performed and supervised by such contractor within the classification for which his license is issued, or from preparing electrical or mechanical shop or field drawings for work which he has contracted to perform. Nothing in this section is intended to imply that a licensed contractor may design work which is to be installed by any other person.

CHAPTER 862

An act to amend Section 423 of, to add Sections 421, 422, 423.5, 427, 428, and 429 to, and to repeal Sections 421 and 422 of, the Revenue and Taxation Code, relating to assessing open-space lands.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 421 of the Revenue and Taxation Code is repealed.

SEC. 2. Section 421 is added to the Revenue and Taxation Code, to read:

421. For the purposes of this article:

(a) "Agricultural preserve" means an agricultural preserve created pursuant to the California Land Conservation Act of 1965 (Williamson Act) (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1 of Title 5 of the Government Code).

(b) "Contract" means a contract executed pursuant to the California Land Conservation Act.

(c) "Agreement" means an agreement executed pursuant to the California Land Conservation Act prior to the 61st day following the final adjournment of the 1969 Regular Session of the Legislature and which, taken as a whole, provides restrictions, terms, and conditions which are substantially similar or more restrictive than those required by statute for a contract.

(d) "Scenic restriction" means any interest or right in real property acquired by a city or county pursuant to Chapter 12 (commencing with Section 6950) of Division 7 of Title 1 of the Government Code, where the deed or other instrument granting such right or interest imposes restrictions which, through limitation of their future use, will effectively preserve for public use and enjoyment, the character of open spaces and areas as defined in Section 6954 of the Government Code.

A scenic restriction shall be for an initial term of 10 years or more, and shall either:

(1) Provide a method whereby the term may be extended by mutual agreement of the parties, or

(2) Provide that the initial term shall be subject to annual automatic one-year extensions as provided for contracts in Sections 51244, 51244.5, and 51246 of the Government Code, unless notice of nonrenewal is given as provided in Section 51245 of the Government Code.

A scenic restriction may not be terminated prior to the expiration of the initial term, and any extension thereof, except as provided for cancellation of contracts in Sections 51281, 51282, 51283 and 51283.3 of the Government Code, and subject to the provisions therein for payment of the cancellation fee.

(e) "Open-space easement" means an open-space easement granted to a county or city pursuant to Chapter 6.5 (commencing with Section 51050) of Part 1 of Division 1 of Title 5 of the Government Code.

(f) "Open-space land" means any of the following:

(1) Land within an agricultural preserve and subject to a contract or an agreement.

(2) Land subject to a scenic restriction.

(3) Land subject to an open-space easement.

(g) "Typical rotation period" means a period of years during which different crops are grown as part of a plant cultural program. Typical rotation period does not mean the rotation period of timber.

SEC. 3. Section 422 of the Revenue and Taxation Code is repealed.

SEC. 4. Section 422 is added to the Revenue and Taxation Code, to read:

422. For the purposes of this article and within the meaning of Article XXVIII of the State Constitution, "enforceable restriction" is any of the following:

(a) A contract;

(b) An agreement;

(c) A scenic restriction; or

(d) An open-space easement.

For the purposes of this article no restriction upon the use of land other than those enumerated in this section shall be considered to be an enforceable restriction.

SEC. 5. Section 423 of the Revenue and Taxation Code is amended to read:

423. When valuing open-space land subject to an enforceable restriction, other than land used for the production of timber for commercial purposes, the board for purposes of surveys required by Section 1815 of this code and the county assessor shall not consider sales data on lands, whether or not subject to an enforceable restriction, but shall value such lands by the capitalization of income method in the following manner:

(a) The annual income to be capitalized shall be determined as follows:

(1) Where sufficient rental information is available the income shall be the fair rent which can be imputed to the land being valued based upon rent actually received for the land by the owner and upon typical rentals received in the area for similar land in similar use, where the owner pays the property tax. When the land being valued is actually encumbered by a lease, any cash rent or its equivalent considered in determining the fair rent of the land shall be the amount for which the land would be expected to rent were the rental payment to be renegotiated in the light of current conditions including applicable enforceable restrictions.

(2) Where sufficient rental information is not available, the income shall be that which the land being valued reasonably can be expected to yield under prudent management and subject to applicable enforceable restrictions.

For the purposes of this section income shall be determined in accordance with rules and regulations issued by the board and with this section and shall be the difference between revenue and expenditures. Revenue shall be the amount of money

or money's worth, including any cash rent or its equivalent, which the land can be expected to yield to an owner-operator annually on the average from any use of the land permitted under the terms of the enforceable restriction including, but not limited to, that from the production of salt and from typical crops grown in the area during a typical rotation period, not to exceed six years including the tax year and the next succeeding five years. When the land is planted to fruit-bearing or nut-bearing trees, vines, bushes or perennial plants, the revenue shall not be less than the land would be expected to yield to an owner-operator from other typical crops grown in the area during a typical rotation period, not to exceed six years including the tax year and the next succeeding five years. Proceeds from the sale of the land being valued shall not be included in the revenue from the land.

Expenditures shall be any outlay or average annual allocation of money or money's worth that can be fairly charged against the revenue expected to be received during the period used in computing such revenue. Those expenditures to be charged against revenue shall be only those which are ordinary and necessary in the production and maintenance of the revenue for that period. Expenditures shall not include depletion charges, debt retirement, interest on funds invested in the land, interest on funds invested in trees and vines valued as land as provided by Section 429, property taxes, corporation income taxes, or corporation franchise taxes based on income. When the income used is from operating the land being valued or from operating comparable land, amounts shall be excluded from the income to provide a fair return on capital investment in operating assets other than the land, to amortize depreciable property, and to fairly compensate the owner-operator for his operating and managing services.

Where the land being valued is not capable of producing income or is not used to produce income or where sufficient information is not available by which income can be determined as provided in this subdivision, the board and the assessor shall impute to the land a reasonable amount to be capitalized as income.

(b) The capitalization rate to be used in valuing land pursuant to this article shall not be derived from sales data and shall be the sum of three components:

(1) An interest component to be determined by the board and announced no later than September 1 of the year preceding the assessment year and which was the yield rate for long-term United States government bonds, as most recently published by the Federal Reserve Board, rounded to the nearest one-quarter ($\frac{1}{4}$) percent.

(2) A risk component which shall be a percentage determined on the basis of the location and characteristics of the land, the crops to be grown thereon and the provisions of any lease or rental agreement to which the land is subject; and

(3) A component for property taxes which shall be a percentage equal to the estimated total tax rate applicable to the land for the assessment year times the assessment ratio.

(c) The value of the land shall be the quotient of the income determined as provided in subdivision (a) divided by the capitalization rate determined as provided in subdivision (b).

(d) The ratio prescribed in Section 401 shall be applied to the value of the land determined in subdivision (c) to obtain its assessed value.

SEC. 5.5. Section 423.5 is added to the Revenue and Taxation Code, to read:

423.5. When valuing open-space land subject to an enforceable restriction and used for the production of timber for commercial purposes, the board, for purposes of surveys required by Section 1815, and the county assessor shall not consider sales data on lands, whether or not subject to an enforceable restriction, but shall determine the value of such timberland to be the present worth of the income which the future harvest of timber crops from the land can reasonably be expected to yield. The value of timberland pursuant to this section shall be determined in accordance with rules and regulations issued by the board. In determining the value of timberland pursuant to this section, the board and the county assessor shall use the capitalization rate derived pursuant to subdivision (b) of Section 423. The ratio prescribed in Section 401 shall be applied to the value of the land determined in accordance with this section to obtain its assessed value.

Where the land being valued is not capable of producing income or is not used to produce income or where sufficient information is not available by which income can be determined as provided in this section the board and the assessor shall impute to the land a reasonable amount to be considered as income for the purposes of this section.

SEC. 6. Section 427 is added to the Revenue and Taxation Code, to read:

427. Nothing in this article shall prevent the board or the assessor, in valuing open-space land for assessment purposes from taking into consideration the existence of any mines, minerals and quarries in or upon the land being valued, including, but not limited to oil, gas, and other hydrocarbon substances.

SEC. 7. Section 428 is added to the Revenue and Taxation Code, to read:

428. The provisions of this article shall not apply to any residence on the land being valued or to an area of reasonable size used as a site for such residence.

SEC. 8. Section 429 is added to the Revenue and Taxation Code, to read:

429. Notwithstanding the provisions of Section 105(b) of this code, in valuing land subject to an enforceable restriction pursuant to this article, fruit-bearing or nut-bearing trees and vines on the land and not exempt from taxation shall be valued

as land. Any income shall include that which can be expected to be derived from such trees and vines and no other value shall be given such trees and vines for the purpose of assessment.

SEC. 9. (a) Except as provided in subdivision (b), the provisions of this act shall be operative on and after the lien date in 1970.

(b) The interest component described in paragraph (1) of subdivision (b) of Section 423 of the Revenue and Taxation Code shall be announced for 1969 only on the first day of September, 1969, or on the 61st day following final adjournment of the 1969 Regular Session of the Legislature, whichever occurs later.

CHAPTER 863

An act to amend Section 7356 of the Welfare and Institutions Code, relating to persons on leave of absence from state hospitals.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 7356 of the Welfare and Institutions Code is amended to read:

7356. The charges for the care and keeping of persons on leave of absence from a state hospital where the Department of Mental Hygiene or the Department of Social Welfare pays for such care shall be a liability of such person, his estate, and relatives, to the same extent that such liability exists for patients in state hospitals.

The Department of Mental Hygiene shall collect or adjust such charges in accordance with Article 4 (commencing with Section 7275) of Chapter 3 of this division.

CHAPTER 864

An act to add Section 1752.2 to the Welfare and Institutions Code, relating to the Youth Authority.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 1752.2 is added to the Welfare and Institutions Code, to read:

1752.2. The director may purchase annuity contracts for permanent employees of the authority provided all of the following conditions are met:

(a) The annuity contract is under an annuity plan which meets the requirements of subdivision (b) of Section 403 of the Internal Revenue Code of 1954 of the United States and Section 17512 of the Revenue and Taxation Code;

(b) The purchase of such annuities meets the requirements of the Insurance Code and the Government Code applicable to such purchase;

(c) The salary of an employee for whom such contract is purchased is reduced by the amount of the cost of such contract; and

(d) The employee makes an application to the director for such purchase and reduction of salary.

CHAPTER 865

An act to amend Section 5002 of the Public Utilities Code, relating to carriers.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 5002 of the Public Utilities Code is amended to read:

5002. "Gross operating revenue" as used in this chapter includes all revenue derived from the transportation of property having origin and destination within this state, except revenue derived from the transportation of such property in interstate or foreign commerce or from the transportation of vehicles by ferries.

SEC. 2. This act shall be operative January 1, 1970.

CHAPTER 866

An act to amend Section 7375 of the Welfare and Institutions Code, relating to state hospital patients.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 7375 of the Welfare and Institutions Code 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 medical director 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) or (c) of this section.

(b) Whenever any such person has been confined in a state hospital for 90 days or more, after having been committed to a state hospital under the provisions of Section 1026 of the Penal Code in a criminal proceeding in which the offense alleged to have been committed by such person was punishable by a penalty other than death, and the medical director is of the opinion that the person has improved to such an extent that he is no longer a danger to the health and safety of others and that the person will receive benefit from parole, the medical director 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 medical director of the hospital may parole the person under such terms and conditions as the medical director 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 medical director until six months have elapsed from the date of the last preceding recommendation.

(c) Whenever any such person has been confined in a state hospital for three years or more, after having been committed to a state hospital under the provisions of Section 1026 of the Penal Code in a criminal proceeding in which the offense alleged to have been committed by such person was punishable by death, and the medical director is of the opinion that the person has improved to such an extent that he is no longer a danger to the health and safety of others and that the person will receive benefit from parole, the medical director 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 medical director of the hospital may parole the person under such terms and conditions as the medical director 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 medical director until one year has elapsed from the date of the last preceding recommendation.

A person paroled pursuant to subdivision (b) or (c) shall not be deemed to be "released from confinement" within the meaning of Section 1026 of the Penal Code, but shall be deemed to be still "confined" within the meaning of Sections 1026 and 1026a of the Penal Code.

A convict received into a state hospital under the provisions of Section 2684 of the Penal Code, shall, on recovery, be returned to prison in accordance with the provisions of Section 2685 of the Penal Code.

CHAPTER 867

An act to add Section 1561 to the Insurance Code, relating to insurance and insurers.

[Approved by Governor August 23, 1969 Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 1561 is added to the Insurance Code, to read:

1561. Any law or ruling of any state of the United States or any foreign country which shall attempt to assume jurisdiction over, or to authorize regulation or supervision of, a noninsurance affiliate of a domestic insurer, where such attempt is based solely upon the domestic insurer applying for or holding a certificate of authority to do business in such state or foreign country, whether such attempt be by registration or through disclosure, reports, examinations, or other devices imposed on either the insurer or its noninsurance affiliate, directly or indirectly, shall be deemed to be an unreasonable law. Upon finding that such unreasonable law has been applied to a domestic insurer or its noninsurance affiliate by such state or foreign country, the commissioner may refuse to grant an initial certificate of authority, but not a renewal of an existing certificate of authority, to an insurer organized under the laws of such state or foreign country thereafter applying to him for authority to do business in this state.

As used in this section, "affiliate" means a person that, directly or indirectly, through one or more intermediaries, controls, or is controlled by, or is under common control with, the domestic insurer.

CHAPTER 868

An act to amend Section 16310 of the Government Code, relating to state funds.

[Approved by Governor August 23, 1969 Filed with Secretary of State August 27, 1969.]

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, exclusive of the Pooled Money Investment Account, 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. Interest payable under this section shall be computed at a rate determined by the Pooled Money Investment Board to be the current earning rate of the fund from which transferred.

CHAPTER 869

An act to add Division 10.6 (commencing with Section 11920) to the Health and Safety Code, relating to narcotics and restricted dangerous drugs.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Division 10.6 (commencing with Section 11920) is added to the Health and Safety Code, to read:

DIVISION 10.6. COMMUNITY NARCOTICS AND DANGEROUS DRUG TREATMENT SERVICES

11920. It is the intention of the Legislature by enacting this division to provide legal procedures for the custody,

evaluation, and treatment of users of narcotics and restricted dangerous drugs. The enactment of this division shall not be construed to be evidence that any person subject to its provisions is mentally disordered, or evidence that the Legislature considers that such persons are mentally disordered.

11921. As used in this division:

(a) "Narcotics" has the same meaning given that term in Section 11001 of the Health and Safety Code.

(b) "Restricted dangerous drugs" has the same meaning given that term in Section 11901 of the Health and Safety Code.

11922. Notwithstanding any other provision of law, if any person is a danger to others or to himself, or gravely disabled, as a result of the use of narcotics or restricted dangerous drugs, he shall be subject, insofar as possible, to the provisions of Articles 1 (commencing with Section 5150), 2 (commencing with Section 5200), 4 (commencing with Section 5250), 5 (commencing with Section 5275), and 7 (commencing with Section 5325) of Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code, except that any custody, evaluation, and treatment, or any procedure pursuant to such provisions shall only be related to and concerned with the problem of the person's use of narcotics or restricted dangerous drugs.

11923. Any expenditure for the custody, evaluation, and treatment, or other procedure of a user of narcotics or restricted dangerous drugs pursuant to this division shall be considered an expenditure made under the provisions of Part 2 (commencing with Section 5600) of Division 5 of the Welfare and Institutions Code, and shall be paid by the state as are other local expenditures pursuant to that part.

CHAPTER 870

An act to amend Section 381 of, to add Section 224 to, and to repeal Section 224 of the Elections Code, relating to voter registration.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 224 of the Elections Code is repealed.

SEC. 2. Section 224 is added to the Elections Code, to read:

224. In lieu of executing a new affidavit of registration for a change of address within the county the county clerk shall accept a notice or letter of the change of address signed by a voter as he is registered. County clerks shall provide a form or postage prepaid postcard notice which shall be substantially in the following form:

I, _____, hereby state, that I have moved
(Name as registered)
within _____ County and request that my affidavit of registration be corrected as follows:

Old address: _____
New address: _____

I understand that this notice is effective only for elections held 54 or more days from date of postmark on this card.

The undersigned hereby certifies under penalty of perjury that the information contained herein is correct to the best of my knowledge.

_____
(Sign as registered)

The county clerk shall accept such notifications postmarked not less than 54 days before an election and shall change the address on the voter's affidavit of registration accordingly. Any requests for change of address postmarked less than 54 days prior to an election shall not be applicable to that election but shall apply to all subsequent elections.

SEC. 3. Section 381 of the Elections Code is amended to read:

381. Cancellation is made by writing or stamping on the affidavit of registration the word "canceled," the reason the affidavit was canceled, and the date of cancellation.

Except as provided in Section 224, whenever a voter transfers his registration from one precinct to another precinct in the same county, or reregisters in another precinct in the same county as shown by the new affidavit of registration, the county clerk shall immediately cancel both the original and the duplicate affidavit of registration from the precinct in which the voter was first registered, and shall remove the original from the precinct book and the duplicate from the files.

Whenever a voter removes from one county to another county and registers in the latter county, the county clerk of the county in which he was first registered, upon being informed of his removal either by the voter personally or by receipt of an affidavit of cancellation, shall likewise cancel his registration and remove the original and duplicate affidavit of registration in that county.

If the duplicate affidavit of registration is a microfilm copy as provided in Section 287 removal may be made by deletion of the voter's name from the alphabetic reference list to the film file.

All canceled affidavits of registration shall be preserved by the county clerk as required in Section 421 of this code.

The county clerk in distributing to each precinct the three indexes of registration, as required by this chapter, shall cross out of those indexes the names of all voters whose affidavits of registration from the precinct have been canceled.

CHAPTER 871

An act to amend Section 9104 of the Commercial Code, relating to secured transactions.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 9104 of the Commercial Code is amended to read:

9104. This division does not apply

(a) To a security interest subject to any statute of the United States such as the Ship Mortgage Act, 1920, to the extent that such statute governs the rights of parties to and third parties affected by transactions in particular types of property; or

(c) To a lien given by statute or other rule of law for services or materials except as provided in Section 9310 on priority of such liens; or

(d) To a transfer of a claim for wages, salary or other compensation of an employee; or

(e) To an equipment trust covering railway rolling stock; or

(f) To a sale of accounts, contract rights or chattel paper as part of a sale of the business out of which they arose, or an assignments of accounts, contract rights or chattel paper which is for the purpose of collection only, or a transfer of a contract right to an assignee who is also to do the performance under the contract; or

(g) To any loan made by an insurance company pursuant to the provisions of a policy or contract issued by it and upon the sole security of such policy or contract; or

(h) To a right represented by a judgment; or

(i) To any right of setoff; or to a security interest of a bank, savings and loan association, credit union or like organization in any deposit, savings, passbook or like account maintained with such organization; or

(j) To the creation or transfer of an interest in or lien on real estate, including a lease or rents thereunder; or

(k) To a transfer in whole or in part of any claim arising out of tort.

(*l*) To any security interest created by the state, any county, city and county, city, municipal corporation, public

district, public authority, or any subdivision, zone, agency or instrumentality of any of the foregoing.

(m) To any security interest created by the assignment of the benefits of any public construction contract under the Improvement Act of 1911.

CHAPTER 872

An act to add Article 4 (commencing with Section 2960) to Chapter 7 of Title 1 of Part 3 of the Penal Code, relating to mentally disordered prisoners.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Article 4 (commencing with Section 2960) is added to Chapter 7 of Title 1 of Part 3 of the Penal Code, to read:

Article 4. Disposition of Mentally Disordered Prisoners Upon Discharge

2960. Before discharging any person who is a danger to others as a result of mental disorder, the Director of Corrections may, upon reasonable cause, place, or cause to be placed, the person in a facility designated by a county and approved by the Department of Mental Hygiene as a facility for 72-hour treatment and evaluation or in a 14-day intensive treatment facility pursuant to the Lanterman-Petris-Short Act, Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code.

A county may designate, and the Department of Mental Hygiene may approve, for the purposes of this article, a medical facility of the Department of Corrections as a facility for 72-hour treatment and evaluation, a facility for 14-day intensive treatment, or both. The cost of treatment and evaluation or intensive treatment under this article shall be a state expense.

Any person placed outside of a facility of the Department of Corrections for the purposes of treatment and evaluation or intensive treatment under the article shall not be deemed to be released from imprisonment or from the custody of the Department of Corrections prior to the expiration of the maximum term of imprisonment of the person.

No person may be confined in a Department of Corrections facility designated as a 72-hour treatment and evaluation or a 14-day intensive treatment facility pursuant to this article beyond the date of his discharge from the Department of Corrections.

CHAPTER 873

An act to amend Sections 18624.2 and 18669.1 of the Financial Code, relating to loan companies.

[Approved by Governor August 23, 1969 Filed with Secretary of State August 27, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 18624.2 of the Financial Code is amended to read:

18624.2. An insurance premium finance agreement, as defined in Section 18903, may be prepared in the office of an insurance producer licensed by the Department of Insurance, and mailed or otherwise delivered to premium finance agency for acceptance without the office of the producer thereby being constituted a place of business of the company. A producer at whose office a premium finance agreement is so prepared shall not be considered to be a broker of the company as that term is used in this division.

SEC. 2. Section 18669.1 of the Financial Code is amended to read:

18669.1. The provisions of Sections 18209, 18405, 18412, 18623, 18668, 18668.1, 18668.2, 18668.3 and 18669 shall not apply to a premium finance agency.

CHAPTER 874

An act to add Section 5119 to the Streets and Highways Code, relating to Improvement Act of 1911.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 5119 is added to the Streets and Highways Code, to read:

5119. Notwithstanding any other provision, upon obtaining the consent of any city as provided in Sections 5117 and 5118, the board of supervisors of a county may order any work and levy, collect and enforce assessments and issue and enforce assessment bonds to represent unpaid assessments in an assessment district created by it lying wholly within such city.

CHAPTER 875

An act to add Section 443.1 to the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 443.1 is added to the Revenue and Taxation Code, to read:

443.1. If the property statement is timely filed in duplicate with a request that the assessor mark on the duplicate statement opposite each category of property reported on the statement, the full cash value of such category of property as determined by the assessor, the assessor shall perform such service and shall return the duplicate to the person filing it no later than July 15 of the year in which it was filed.

CHAPTER 876

An act to add Article 6 (commencing with Section 690) to Chapter 5 of Division 1 of the Financial Code, relating to banks.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Article 6 (commencing with Section 690) is added to Chapter 5 of Division 1 of the Financial Code, to read:

Article 6. Sale of Securities

690. Unless the context otherwise requires, in this article:

(a) "Offer" or "offer to sell" includes every attempt or offer to dispose of, or solicitation of an offer to buy, a security for value.

(b) "Sale" or "sell" includes every contract of sale of, contract to sell, or disposition of, a security for value. "Sale" or "sell" includes any exchange of securities and any change in the rights, preferences, privileges, or restrictions of or on outstanding securities.

(c) "Security" means any stock, capital note, or debenture, or any warrant, right, or option to subscribe to or purchase any of the foregoing.

(d) The terms defined in subdivisions (a) and (b) of this section do not include any stock dividend payable with respect to common stock of a bank solely (except for any cash or script paid for fractional shares) in shares of such common stock, if such bank has no other class of voting stock outstanding;

provided, that shares issued in any such dividend shall be subject to any conditions previously imposed by the superintendent applicable to the shares with respect to which they are issued.

691. No bank organized under the laws of this state shall offer or sell any security issued by it unless the superintendent has issued a permit authorizing such sale.

692. An application for a permit shall be in such form and contain such information as the superintendent may prescribe.

693. If the superintendent finds that the proposed sale of securities is fair, just, and equitable, he shall issue to the applicant a permit authorizing it to offer and sell the securities in such amount and upon such terms and conditions as he may provide in the permit. If the superintendent finds otherwise, he shall deny the application.

694. The superintendent may impose conditions in any permit issued under Section 693, requiring the deposit in escrow of securities, imposing a legend condition restricting the transferability thereof, impounding the proceeds from the sale thereof, limiting the expense in connection with the sale thereof, or such other conditions as he deems reasonable and necessary or advisable in the public interest.

695. Every permit issued pursuant to Section 693 shall recite that it is permissive only and does not constitute a recommendation or endorsement of the securities permitted to be sold.

696. The superintendent may amend, alter, suspend, or revoke any permit issued pursuant to Section 693.

697. There shall be exempted from the provisions of Section 691 any transaction or security which the superintendent by regulation or order exempts as not being comprehended within the purposes of this article and the regulation of which he finds is not necessary or appropriate in the public interest or for the protection of investors.

698. Nothing contained in this article shall affect the Corporate Securities Law of 1968, Division 1 (commencing with Section 25000) of Title 4 of the Corporations Code.

CHAPTER 877

An act to amend Section 270 of the Financial Code, relating to banks.

[Approved by Governor August 23, 1969 Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 270 of the Financial Code is amended to read:

270. The superintendent shall annually collect pro rata from the banks and trust companies under the supervision of the department a fund in amount sufficient in his judgment to meet the expenses of the department and a reasonable reserve for contingencies. The amount of the annual assessment for the fund on any bank or trust company shall not exceed 0.0125 percent of its total resources, as shown by the last report of the bank or trust company to the superintendent.

CHAPTER 878

An act to amend Section 704.5 of the Insurance Code, relating to insurance.

[Approved by Governor August 23, 1969 Filed with Secretary of State August 27, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 704.5 of the Insurance Code is amended to read:

704.5. The commissioner may decline to grant or may suspend or revoke a certificate of authority of any holder of such certificate authorized to be certificated under this code if any person or persons, directly or indirectly, or any person who as an affiliate or part of any affiliate, directly or indirectly, owning or controlling, in the aggregate, any interest in more than 10 percent of the stock of such holder of the certificate, or its subsidiary, or any company or entity controlling such holder, or if any officer or director of such holder has been convicted on, or pleaded guilty or nolo contendere to, an indictment or information in any jurisdiction charging a felony for theft or larceny, mail fraud, or violation of any corporate securities statute or any insurance statute.

CHAPTER 879

An act to amend Sections 7184 and 7187 of the Financial Code, relating to savings and loan associations.

[Approved by Governor August 23, 1969 Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 7184 of the Financial Code is amended to read:

7184. An association may, with or without security, make loans, advance credit, and purchase obligations representing loans and advances of credit, for the purpose of financing

repairs, alterations, improvements, or equipment, except furnishings, on real property. Such loans or advances:

(a) Shall not exceed five thousand dollars ($5,000) on any one loan or advance.

(b) Shall not be for a period in excess of eight years.

(c) Shall not aggregate at any one time more than 5 percent of the association's total assets.

SEC. 2. Section 7187 of the Financial Code is amended 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 mobile dwelling financing. 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 880

An act to amend Section 14104 of the Welfare and Institutions Code, relating to medical assistance.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 14104 of the Welfare and Institutions code is amended to read:

14104. (a) The department shall, to the extent feasible, contract with one or more carriers to provide or arrange services through health benefits plans.

(b) The department shall, to the extent feasible, enter into nonexclusive contracts providing arrangements under which funds available for health care under this chapter shall be administered and disbursed to providers of health care or to their designated agents in consideration for services rendered and supplies furnished by them in accordance with the provisions of the applicable contract and any schedule of charges or formula for determining payments established pursuant to such contract. Payment for services to hospitals and other facilities and professional services shall be predicated on the basis of reimbursement for reasonable cost based on standards, determined by the director with the advice of the Health Review and Program Council. The formula for such payments

shall be determined in accordance with regulations establishing the methods to be used and the items to be included. In prescribing such regulations, the department shall consider, among other things, the principles generally applied by state organizations representing such hospitals or other facilities or by established prepayment organizations which have developed such principles, in determining the method or methods to be used in arriving at the payment formula.

(c) Each such contract shall provide that the carrier:

1. Will take such action as may be necessary to assure that, where payment under this chapter for a service is on a cost basis, the cost is reasonable, as referred to in subdivision (b) of Section 14104.

2. Will take such action as may be necessary to assure that where payment under this chapter is on a charge basis, such charge will be reasonable and not higher than the charge applicable for a comparable service and under comparable circumstances to the policyholders and subscribers of the carrier, and such payment will be made on the basis of a receipted bill, or on the basis of an assignment under the terms of which the reasonable charge is the full charge for the service.

3. Will, in the case of a contract with a carrier which, under contracts not affected by this chapter, limits the availability of services to a defined geographical area or areas, provide that the carrier will pay for necessary services furnished to any person who is covered by such contract and who receives such services outside such area or areas.

4. Will furnish to the director such timely information and reports as he may find necessary in performing his functions under this chapter.

5. Will maintain such records and afford such access thereto as the director finds necessary to assure the correctness and verification of the information and reports which may be required under paragraph (c)3 of this section.

6. Will make payment under this chapter promptly and in any event within 30 days from receipt by the carrier of proper evidence establishing the validity of the claim for payment.

In determining the reasonable charge for a physician's services, there shall be taken into consideration the customary charge for similar services generally made by the physician, as well as the prevailing charges in the locality for similar services.

(d) Each such contract shall provide that the carrier or plan will not charge to any family person or adult defined in Article 2 (commencing with Section 14050) of this chapter, part or all of any enrollment fee, extra charges, or premiums for care provided under this chapter.

(e) Each such contract shall provide that the carrier or plan will agree to provide such services as defined by the

department without reference to the race, religion, creed, color, national origin or ancestry, or age of any person eligible under the provisions of this chapter.

(f) Consistent with the efficient and economical administration of this chapter, at least one arrangement available to all recipients and medically indigent persons shall afford free choice among physicians, pharmacists, and pharmacies willing to provide services under the terms of a contract entered into pursuant to this section.

(g) In the consideration of proposals for contracts with carriers under this chapter, the department shall, for comparative purposes, deduct from the total cost proposed by any carrier the amount of tax which that carrier would be required to pay under Part 7 (commencing with Section 12001) of Division 2 of the Revenue and Taxation Code computed on the basis of the net rate of tax, after deductions, which would have applied to such carrier for the preceding calendar year, had the amount of anticipated premium under the proposed contract been added to its taxable premiums for such year.

Contracts awarded to carriers under this section shall be awarded on a bid basis, and before entering into a contract with any carrier, the director shall publish notice soliciting bids from carriers.

The director, at least once each year, shall report to the Joint Legislative Budget Committee actions taken by him in the awarding of contracts under this section, including, but not limited to, the number and types of bids submitted, the basis on which contracts were awarded, and, if a contract is awarded to other than the lowest bidder, the reason for such action.

(h) In entering into contracts under this section, or subdivision (e) or subdivision (f) of Section 14000, the department may provide that the extent of benefit coverage by the carrier may be limited to a fixed number of days, or amount, or duration of services. The contract may provide that the carrier shall continue to administer the benefits provided beyond the applicable limitation, with the state paying for such extended coverage on the basis of reasonable costs or charges.

The intent of the Legislature in enacting this subdivision is to authorize a limitation on the liability of a carrier in catastrophic or extended-care situations.

CHAPTER 881

An act to add Sections 4806.5 and 4808.5 to the Health and Safety Code, relating to county sanitation districts.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 4806.5 is added to the Health and Safety Code, to read:

4806.5. As an alternative method of issuing bonds the district board may, after the approval and adoption of an engineer's report for a portion of the district, if it deems it necessary to incur a bonded indebtedness to obtain funds with which to acquire the property and do the work set forth in the report, by resolution so declare and state: (a) the general objects and purposes for which the proposed debt is to be incurred, including, but not limited to, the acquisition or construction or reconstruction of new local street sewers or laterals as distinguished from main trunk, interceptor and outfall sewers; (b) the amount of debt to be incurred; (c) that the district board intends to form an improvement district of that 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 board, which map shall govern for all details as to the extent of the proposed improvement district, and to call an election in such improvement district on a date to be fixed, for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the district for said improvement district; (d) that taxes for the payment of such bonds and the interest thereon shall be derived exclusively from an annual tax upon the real property in the improvement district; (e) that special rates or charges to finance the construction, reconstruction, maintenance, or operation of the improvement may be collected within the improvement district where, in the judgment of the board, the improvement will not be of districtwide benefit; (f) that the engineer's report, together with a map showing the exterior boundaries of such proposed improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement, are on file with the district board and are available for inspection by any person interested; (g) the time and place for a hearing by the board on the questions of the formation of such proposed improvement district, the extent thereof, the proposed improvement and the amount of debt to be incurred; and (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 improvement district, will be heard.

This section shall only be applicable to a district within a county of the 15th class as defined in Section 28036 of the Government Code and Section 4806 shall not be applicable to a district within a county of the 15th class.

SEC. 2. Section 4808.5 is added to the Health and Safety Code, to read:

4808.5. At the time and place so fixed, or at any time and place to which the hearing is adjourned, the district board

shall proceed 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 protest the inclusion of his property within the proposed improvement district or present any other matters material to the questions set forth in the resolution declaring the necessity for incurring the bonded indebtedness, or do both.

The district board shall have power to change the purpose for which the proposed debt is to be incurred, or the amount of bonded debt to be incurred, or the boundaries of the proposed improvement district, or one or all 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 provided further, that the board shall exclude from the proposed improvement district any territory which it finds will not be benefited by inclusion therein. If the district board proposes to change the purposes for which the proposed debt is to be incurred, it shall cause appropriate changes to be made in the report before giving notice of such change. The purpose, amount of bonded debt and boundaries shall not be changed by the board except after notice of its intention to do so, given pursuant to Section 6061 of the Government Code in a newspaper having general circulation in such county sanitation district, and by posting in three public places within such proposed improvement district. Such notice shall state the changed purpose and debt proposed and that the engineer's report as changed by the board, together with a map showing exterior boundaries as proposed to be changed, are on file with the district board and are available for inspection by any person interested, and specify the time and place for hearing on such change, which time shall be at least 10 days after publication or posting of such notice. At the time and place so fixed, or at any time and place to which the hearing is adjourned, the board shall continue with the hearing. At the hearing any person interested, including any person owning property within the district or the proposed improvement district, may appear and present any matters material to the changes stated in the notice.

At the conclusion of the hearing, the board shall by resolution determine whether it is deemed necessary to incur the bonded indebtedness, and, if so, the resolution shall also state the purpose for which such proposed debt is to be incurred, 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 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 county sanitation district)," and the determination made in such resolution shall

be final and conclusive. After the formation of such improvement district within a county sanitation district, all proceedings for the purpose of a bond election shall be limited and shall apply only to the improvement district, and taxes for the payment of such bonds and the interest thereon shall be derived exclusively from an annual tax upon the real property in the improvement district.

This section shall only be applicable to a district within a county of the 15th class as defined in Section 28036 of the Government Code and Section 4808 shall not be applicable to a district within a county of the 15th class.

CHAPTER 882

An act to add Section 560 to the Education Code, relating to community colleges and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 23, 1969 Filed with Secretary of State August 27, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 560 is added to the Education Code, to read:

560. The governing board of any district maintaining a community college may participate in any program, including but not limited to programs authorized by the National Defense Education Act of 1958, as amended; the Higher Education Act of 1965, as amended, and the Vocational Education Act of 1963, as amended; and has the authority to perform all acts necessary to receive the benefits and to expend the funds provided by these federal acts.

Such governing board may authorize the expenditure of district funds required by the federal government as matching funds as a condition of implementing student financial assistance programs.

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 should go into immediate effect. The facts constituting such necessity are:

In order that community colleges can apply for and receive funds authorized by the various federal acts at the earliest possible dates, and so carry out both the intent of Congress and the function of the community colleges, it is necessary that this act take effect immediately.

CHAPTER 883

An act declaring the interest of the people of the State of California in preserving the Salton Sea, authorizing state participation in a joint federal-state feasibility level investigation of the Salton Sea problems, and making an appropriation therefor.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969]

The people of the State of California do enact as follows:

SECTION 1. The problems of the Salton Sea relating to increasing salinity, a buildup of nutrients, and an unstable water level are such that they require an immediate in-depth investigation if the multipurpose uses of the sea are to be preserved.

SEC. 2. The Salton Sea Advisory Committee created by Chapter 392, Statutes of 1968, after consultation with the Resources Agency and the Bureau of Reclamation has expressed concern over the need to continue necessary investigations into the Salton Sea problem.

SEC. 3. A joint federal-state reconnaissance level investigation into the problem of the Salton Sea will be completed in June 1969. Should this report contain a favorable recommendation for continued in-depth study, it is essential that these studies commence during the 1969–1970 fiscal year.

SEC. 4. The Legislature finds and declares that, it is in the best interest of the State of California to authorize participation by the appropriate departments of the Resources Agency in a recommended joint federal-state feasibility level investigation of the Salton Sea problems.

SEC. 5. The sum of forty-seven thousand five hundred dollars ($47,500) is appropriated for expenditures for the state's participation in a federal-state feasibility study regarding the Salton Sea in accordance with the following schedule:

(a) Department of Harbors and Watercraft, payable from the Harbors and Watercraft Revolving Fund ---------- $8,000

(b) Department of Parks and Recreation, payable from the General Fund---------- 13,500

(c) Department of Water Resources, payable from the General Fund---------- 26,000

provided, however, that no funds shall be expended for this purpose without federal participation in this project, and provided also that the reconnaissance level investigations indicates a favorable cost-benefit ratio.

CHAPTER 884

An act to amend Section 61806 of, and to add Sections 61806.5 and 62474.5 to, the Agricultural Code, relating to milk.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 61806 of the Agricultural Code is amended to read:

61806. "Distributor" means any person that purchases or handles fluid milk or fluid cream for processing, manufacture, or sale. It includes brokers and agents and the nonprofit cooperative associations described in Article 2 (commencing with Section 61831) of this chapter in the transactions in which such article provides that the associations are distributors. It also includes any person who regularly operates mobile vehicles on routes predominantly for sales of fluid milk or fluid cream on such routes to wholesale customers, or directly to consumers at their homes. It does not, however, include any of the following:

(a) Any retail store that is not actively and directly engaged in processing and packaging fluid milk or fluid cream.

(b) Any establishment where fluid milk or fluid cream is sold only for consumption on the premises, that is not actively and directly engaged in processing and packaging fluid milk or fluid cream.

(c) Any person that owns or controls, or is owned or controlled by, one or more retail stores, or by one or more establishments where fluid milk or fluid cream is sold for consumption on the premises, which person is not actively and directly engaged in the processing and packaging of fluid milk or fluid cream.

(d) Any producer that delivers fluid milk or fluid cream only to a distributor.

(e) Any person that owns or controls, or is owned or controlled by, one or more retail stores, or by one or more establishments for consumption on the premises, in respect to the purchase or receipt by such person of processed and packaged fluid milk or fluid cream at any place of delivery other than a fluid milk processing plant, actively and directly operated by such person, and at which plant such person processes and packages at least 70 percent of all fluid milk and fluid cream handled by such plant.

Nothing contained in this section or in any other provision of this code shall be deemed or construed to preclude a person operating, owning or servicing automatic vending ma-

chines dispensing less than quart containers of fluid milk or fluid cream from being licensed as a distributor if the fluid milk or fluid cream such person sells or distributes through other than vending machines, in retail stores or establishments it owns, operates or controls, is purchased by such person at no less than minimum wholesale prices established by the director. The sale of fluid milk or fluid cream through an automatic vending machine, which fluid milk is sold principally or primarily for consumption on or adjacent to the premises where sold, shall not be deemed a sale by or at a retail store or establishment, whether or not such fluid milk or fluid cream is sold in conjunction with other food products.

SEC. 2. Section 61806.5 is added to the Agricultural Code, to read:

61806.5. "Distributor" also means (a) any person who purchases fluid milk or fluid cream in containers of less than one quart, and dispenses such fluid milk or fluid cream through automatic vending machines, and (b) any person who refrigerates, stores, or assembles individual order allotments of fluid milk or fluid cream, in containers of less than one quart, at a fixed, established business location prior to transportation of such fluid milk or fluid cream in which mobile vehicles on regularly operated routes not predominantly for sales of fluid milk or fluid cream on such routes, from which mobile vehicle such fluid milk or fluid cream is sold, on such routes, in containers of less than one quart, directly to consumers.

SEC. 3. Section 62474.5 is added to the Agricultural Code, to read:

62474.5. Subdistributor prices shall apply to fluid milk or fluid cream or both only where such fluid milk or fluid cream is delivered to the subdistributor at the processing plant or depot of the distributor, or at one or more of the depots or fixed established business locations of the subdistributor. The term "depots" as used in this section shall also include, in the case of a subdistributor defined in Section 61806.5, stationary, refrigerated, walk-in holding boxes. Subdistributor prices shall not apply to either fluid milk or fluid cream for sale through automatic vending machines located in a retail store, as defined in Section 61817, or located in the immediate serving area of an establishment for consumption only on the premises if in such place fluid milk is also manually dispensed and sold. Subdistributor prices applicable to fluid milk or fluid cream sold or delivered to a distributor as defined in Section 61806.5 shall apply notwithstanding the fact that such distributor owns, operates or controls or is owned or controlled by one or more retail stores or by one or more establishments for consumption on the premises.

CHAPTER 885

An act to add Sections 2712.5 and 3272 to the Unemployment Insurance Code, relating to disability insurance.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 2712.5 is added to the Unemployment Insurance Code, to read:

2712.5. (a) If, in a disputed coverage proceeding under Section 2712 a final decision of a referee or of the Appeals Board finds that an employer or insurer shall reimburse the Disability Fund and the employer or insurer fails to pay all or any part of the reimbursement within 15 days after the mailing of the final decision of a referee or of the Appeals Board, the director shall assess the unpaid amount against the employer or the insurer. The provisions of Article 8 (commencing with Section 1126) of Chapter 4 of Part 1 of this division with respect to the assessment of contributions shall apply to the recovery of the unpaid amount. The provisions of Chapter 7 (commencing with Section 1701) of Part 1 of this division with respect to the collection of contributions shall apply to the recovery of unpaid amounts under this section. Amounts so collected shall be deposited in the Disability Fund.

(b) The provisions of Article 9 (commencing with Section 1176) of Chapter 4 of Part 1 of this division shall apply to amounts collected under this section and to amounts reimbursed to the Disability Fund after a final decision by a referee or the Appeals Board in a disputed coverage proceeding under Section 2712.

SEC. 2. Section 3272 is added to the Unemployment Insurance Code, to read:

3272. The provisions of Article 9 (commencing with Section 1176) of Chapter 4 of Part 1 of this division shall apply to amounts collected under Sections 3252, 3260, 3265, 3266, and 3269, to amounts remitted to the Disability Fund under Section 3260, and to amounts paid to an employee by an employer or insurer after a final decision on appeal under Section 3264 to a referee or the Appeals Board that the employee is entitled to disability benefits.

CHAPTER 886

An act to amend Section 23057 of the Education Code, relating to the University of California.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 23057 of the Education Code is amended to read:

23057. Any unmarried minor whose parent is in the active military service of the United States of America or any student whose spouse is in the active military service of the United States of America and is stationed in this state on the opening day of the semester during which the unmarried minor or spouse proposes to attend the university shall, for the purposes of this article (commencing with Section 23051), be deemed to be a resident of this state for such semester. Any student so deemed to be a resident of this state shall not lose such status by reason of the removal from the state of the parent or spouse on whom he is dependent, provided that such removal of the parent or spouse is pursuant to military order and involves transfer of the parent or spouse directly to a place outside of the United States where the parent or spouse continues to serve in the military service of the United States of America. Any admission fee or rate of tuition required of such unmarried minor or spouse shall not exceed the amount required of a resident student enrolled in the same course as such unmarried minor or spouse. Parent, for the purposes of this section, means the natural father during his lifetime and after his death, the natural mother of the unmarried minor, or an adopting parent.

CHAPTER 887

An act to repeal Chapter 4 (commencing with Section 8150) of Division 8 of the Welfare and Institutions Code, relating to handicapped children.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 4 (commencing with Section 8150) of Division 8 of the Welfare and Institutions Code is repealed.

CHAPTER 888

An act to amend Sections 8 and 26 of the Fresno Metropolitan Flood Control Act (Chapter 503 of the Statutes of 1955), relating to the Fresno Metropolitan Flood Control District.

[Approved by Governor August 23, 1969 Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 8 of the Fresno Metropolitan Flood Control Act (Chapter 503 of the Statutes of 1955) is amended to read:

Sec. 8. Said district shall be and constitute a public corporation, and as such shall have the powers in this act enumerated, all powers necessarily or reasonably implied therefrom, and all powers necessarily or reasonably implied from the creation and existence of such district. Such powers shall include the following:

1. To have perpetual succession.

2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To have and exercise the power of eminent domain.

4. To take by grant, purchase, gift, lease, devise or otherwise and to hold, use and enjoy real or personal property of every kind within or without the district necessary to or convenient for the full exercise of its powers.

5. To acquire lands, rights-of-way, easements, privileges and property of every kind and nature, to construct, maintain and operate any or all works or improvements within or without the district necessary or proper to carry out any of the objects or purposes of this act, and to complete, extend, add to, repair or otherwise improve any works or improvements acquired by it as herein authorized, or any works or improvements owned or constructed by the City of Fresno, the County of Fresno, Fresno Irrigation District, or any other public agency, or any two or more thereof, and used in whole or in part for flood control or storm drain purposes.

6. To levy or cause to be levied as herein provided taxes upon the taxable real property in said district for the purpose of providing funds for such district and for paying any obligations thereof.

7. To incur indebtedness and to issue notes, bonds or other evidence of such indebtedness in the manner herein provided.

8. To make contracts and to employ appraisers, consultants, attorneys, engineers and other technical advisers and all employees necessary or convenient for the administration of said district, the maintenance and operation of any works under its jurisdiction, and the planning of any works or construction under this act.

9. To contract with the City of Fresno, County of Fresno, Fresno Irrigation District, or any other public agency or any public utility for the use of any rights-of-way, easements, lands, works or property owned by any thereof which are necessary, convenient or useful to the district or necessary or convenient for the construction or operation of any flood control works or storm drain works proposed to be financed by the flood control district; to contract with any of such public

agencies for the acquisition or construction by such public agency of any flood control or storm drain works financed by the district, or the maintenance and operation thereof, or for any or all of the foregoing, and such flood control district may carry out any or all of its powers either separately or in conjunction with one or more of said public agencies, and may make any contract or lease or accept any conveyance of property necessary or convenient for the accomplishment of the purposes of said flood control district. The powers granted by this subparagraph shall be liberally construed.

10. To develop property for recreational uses and purposes in connection with the use thereof for control or conservation of waters or to lease to or contract with individuals or public or private agencies for use or for development and use thereof for such recreational purposes.

11. To lease, let, sell, or dispose of real and personal property or any interest therein or part thereof whenever, in the judgment of two-thirds of the board of directors, such real or personal property or interest therein or part thereof is no longer required for the purposes of the district or may be leased or let for any purpose without interfering with the use thereof for the purposes of the district, and to pay any compensation received therefor into the general fund of the district and use the same for the purposes of this act.

SEC. 2. Section 26 of the Fresno Metropolitan Flood Control Act (Chapter 503 of the Statutes of 1955) is amended to read:

Sec. 26. The power of eminent domain vested in the board of directors of said district shall include the power to condemn in the name of the district either the fee simple or any lesser estate or interest in any real property which said board by resolution shall determine is necessary to carry out the purposes of this act. Such resolution shall be prima facie evidence (a) of the public necessity of the proposed public improvement, (b) that the fee simple or lesser estate to be taken is necessary therefor, and (c) that such proposed public improvement is placed or located in the manner which will be most compatible with the greatest public good and the least private injury. The district, in exercising such power, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be moved to a new location.

CHAPTER 889

An act to amend Sections 23361 and 23362 of the Revenue and Taxation Code, relating to corporation tax.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 23361 of the Revenue and Taxation Code is amended to read:

23361. "Affiliated group" means one or more chains of corporations connected through stock ownership with a common parent corporation if during the period when the income was accrued or realized and on the 16th day of the first month after the close of the income year—

(a) At least 80 percent of the stock of each of the corporations, except the common parent corporation, is owned directly by one or more of the other corporations; and

(b) The common parent corporation owns directly at least 80 percent of the stock of at least one of the other corporations; and

(c) Each of the corporations except the common parent corporation is either (1) a corporation whose principal business is that of a common carrier by railroad or (2) a corporation the assets of which consist principally of stock in such corporations and which does not itself operate a business other than that of a common carrier by railroad. For the purpose of determining whether the principal business of a corporation is that of a common carrier by railroad, if a common carrier by railroad has leased its railroad properties and such properties are operated as such by another common carrier by railroad, the business of receiving rents for such railroad properties shall be considered as the business of a common carrier by railroad.

The provisions of this section shall not preclude the application of Chapter 17 (commencing with Section 25101) of this part.

Except in paragraph (c), "stock" does not include nonvoting stock which is limited and preferred as to dividends.

SEC. 2. Section 23362 of the Revenue and Taxation Code is amended to read:

23362. An affiliated group, subject to the provisions of this article, shall have the privilege of making a consolidated return for the taxable year in lieu of separate returns. The making of a consolidated return shall be upon the condition that all the corporations, which have been members of the affiliated group at any time during the income year for which the return is made, consent to all regulations under Section 23363 prescribed prior to the making of such return and the making of a consolidated return shall be considered as such consent. In the case of a corporation, which is a member of the affiliated group for a fractional part of the income year, the consolidated return shall include the income of such corporation for such part of the income year as it is a member of the affiliated group. In the case of a common parent com-

pany which is not itself a common carrier by railroad the consolidated return shall include on a consolidated-return basis only the income received from affiliates which are common carriers by railroad.

CHAPTER 890

An act to amend Sections 1250, 1257, 1430, 1431, and 1437 of, and to add Section 1332 to, the Financial Code, relating to bank reserves.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 1250 of the Financial Code is amended to read:

1250. Every commercial bank shall maintain total reserves equal to the following percentages of the aggregate amount of its deposits, exclusive of deposits of the United States, postal savings funds, and state, county, municipal, and other deposits of public moneys which are secured as required by law:

(a) Eighteen percent if the bank has its principal place of business in a city having a population of 100,000 or over.

(b) Fifteen percent if the bank has its principal place of business in a city having a population of 50,000 or over and less than 100,000.

(c) Twelve percent if the bank is located elsewhere in the state, unless the bank is acting as a reserve depositary and in that event, 15 percent.

The reserves required by this section shall be computed for such period, in such manner, and on such basis as the superintendent may prescribe by rule or regulation.

SEC. 2. Section 1257 of the Financial Code is amended to read:

1257. The superintendent by general regulation may change, from time to time, the amount of reserves required to be maintained by commercial banks doing business in this state which are not members of a Federal Reserve bank; provided, however, that whenever the reserves required of banks which are members of a Federal Reserve bank are greater than the reserves provided in this chapter, the reserves so specified by the superintendent shall not be greater than the former nor less than the latter; and provided, further, that whenever the reserves required of banks which are members of a Federal Reserve bank are less than the reserves provided in this chapter, the reserves so specified by the superintendent shall not be less than the former nor greater than the latter.

SEC. 3. Section 1332 is added to the Financial Code, to read:

1332. The superintendent by general regulation may change, from time to time, the amount of reserves required to be maintained by nondepartmental banks doing business in this state which are not members of a Federal Reserve bank. However, whenever the reserves required of banks which are members of a Federal Reserve bank are greater than the reserves provided in this chapter, the reserves so specified by the superintendent shall not be greater than the former nor less than the latter and whenever the reserves required of banks which are members of a Federal Reserve bank are less than the reserves provided in this chapter, the reserves so specified by the superintendent shall not be less than the former nor greater than the latter.

SEC. 4. Section 1430 of the Financial Code is amended to read:

1430. Every savings bank shall maintain total reserves in an amount equal to 5 percent of the aggregate amount of its deposits, exclusive of deposits of the United States, postal savings funds, and state, county, municipal and other deposits of public moneys which are secured as required by law.

The reserves required by this section shall be computed for such period, in such manner, and on such basis as the superintendent may prescribe by rule or regulation.

SEC. 5. Section 1431 of the Financial Code is amended to read:

1431. Of the reserves required to be maintained by a savings bank an amount equal to at least 1 percent of the amount of its deposits shall be maintained as reserves on hand and shall consist of, (a) gold bullion or any form of money or currency authorized by the laws of the United States, or (b) deposits subject to call with a Federal Reserve bank in the district in which the bank is located or with reserve depositaries designated for it pursuant to Section 1255. The remainder of such reserves required to be maintained equal in amount to 4 percent of the amount of the bank's deposits shall consist of, (a) gold bullion or any form of money or currency authorized by the laws of the United States, (b) deposits subject to call with a Federal Reserve bank in the district in which such bank is located or with reserve depositaries designated for it pursuant to Section 1255 of this code, or (c) unpledged negotiable direct obligations of the United States.

SEC. 6. Section 1437 of the Financial Code is amended to read:

1437. The superintendent by general regulation may change, from time to time, the amount of reserves required to be maintained by savings banks doing business in this state which are not members of a Federal Reserve bank.

However, whenever the reserves required of banks which are members of a Federal Reserve bank are greater than the

reserves provided in this chapter, the reserves so specified by the superintendent shall not be greater than the former nor less than the latter and whenever the reserves required of banks which are members of a Federal Reserve bank are less than the reserves provided in this chapter, the reserves so specified by the superintendent shall not be less than the former nor greater than the latter.

CHAPTER 891

An act to amend Section 228 of the Streets and Highways Code, relating to the state scenic highways.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 228 of the Streets and Highways Code is amended to read:

228. The advisory committee may consult with representatives of the State Office of Planning, the Department of Public Works, the Department of Parks and Recreation, the Office of Tourism and Visitor Services, and the Department of Water Resources who are appointed by the officer in charge of such office or department. These representatives shall supply to the advisory committee such technical and other assistance as the advisory committee requests.

CHAPTER 892

An act to amend Section 769 of the Financial Code, relating to the purchase and holding of stock by banks.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 769 of the Financial Code is amended to read:

769. A bank may purchase and hold the stock of small business investment companies authorized to operate under the Small Business Investment Act, as amended, in an amount not aggregating more than 10 percent of the bank's capital and surplus.

CHAPTER 893

An act to amend Section 10783 of the Revenue and Taxation Code, and to amend Section 9105 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 10783 of the Revenue and Taxation Code is amended to read:

10783. The license fee imposed by this part does not apply to any vehicle, other than a commercial vehicle, owned by a veteran who has lost, or has lost the use of, two or more limbs, or one eye and any limb, or who has suffered permanent blindness as defined in Section 6202 of the Education Code, as a result of injury or disease suffered while on active service with the military, naval, or air forces of the United States.

The exemption granted by this section shall extend to not more than one vehicle owned by any such veteran.

SEC. 2. Section 9105 of the Vehicle Code is amended to read:

9105. The fees specified in this code except fees for duplicate plates, certificates, or cards need not be paid for any vehicle, other than a commercial vehicle, of a type subject to registration under this code, owned by any veteran who has lost, or has lost the use of, two or more limbs, or one eye and any limb, or who has suffered permanent blindness as defined in Section 6202 of the Education Code, as a result of injury or disease suffered while on active service with the armed forces of the United States.

The exemption granted by this section shall not extend to more than one vehicle owned by any such veteran.

CHAPTER 894

An act to add Article 6.5 (commencing with Section 38780), Chapter 10, Part 2, Division 3, Title 4, to the Government Code, relating to sales of residences.

[Approved by Governor August 23, 1969 Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Article 6.5 (commencing with Section 38780) is added to Chapter 10, Part 2, Division 3, Title 4 of the Government Code, to read:

Article 6.5. Reports of Residential Building Records

38780. A city by ordinance may provide that prior to the sale or exchange of any residential building, the owner or his authorized agent shall obtain from the city a report of the residential building record showing the regularly authorized use, occupancy, and zoning classifications of such property.

38781. The report of residential building record shall be delivered by the owner, or the authorized agent of the owner, to the buyer or transferee of the residential building prior to the consummation of the sale or exchange.

38782. The ordinance may require payment of a reasonable fee by the owner, or his authorized agent, for the issuance of such reports.

38783. The ordinance shall provide that it shall be unlawful for the owner of a residential building to sell or exchange same without first having obtained and delivered to the buyer a report of residential building record.

38784. This article shall not apply to the first sale of a residential building located in a subdivision whose final map has been approved and recorded in accordance with the Subdivision Map Act not more than two years prior to the first sale.

38785. No sale or exchange of residential property shall be invalidated solely because of the failure of any person to comply with any provision of an ordinance adopted pursuant to this article unless such failure is an act or omission which would be a valid ground for rescission of such sale or exchange in the absence of this article.

CHAPTER 895

An act to add Section 772 to the Financial Code, relating to the acquisition and holding of stock by banks.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 772 is added to the Financial Code, to read:

772. With the prior written approval of the superintendent and subject to such regulations and rules as he may prescribe, a bank may acquire and hold not less than 80 percent of the voting stock of one or more corporations that perform functions a bank may perform, other than the receipt of deposits.

CHAPTER 896

An act to add Chapter 4 (commencing with Section 13801) to Division 10 of, and to repeal Chapter 4 (commencing with Section 13801) of Division 10 of, the Education Code, relating to the State Teachers' Retirement Law.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 4 (commencing with Section 13801) of Division 10 of the Education Code is repealed.

SEC. 2. Chapter 4 (commencing with Section 13801) is added to Division 10 of the Education Code, to read:

CHAPTER 4. STATE TEACHERS' RETIREMENT SYSTEM

Article 1. General Provisions

13801. This chapter shall be known and may be cited as the State Teachers' Retirement Law.

13802. In order to provide a financially sound plan for the retirement, with adequate retirement allowances, of teachers in the public schools of this state, teachers in schools supported by this state, and other persons employed in connection with the schools, the State Teachers' Retirement System is established. The system is a unit of the Agriculture and Services Agency.

13804. In establishing this system, the Legislature recognizes that the California State Teachers' Retirement System superseded by this system was actuarially unsound, and that the assets of that system, are insufficient to meet the obligations of that system already accrued or to accrue in the future in respect to service credited to members of that system and rendered prior to the establishment of this system on July 1, 1944.

Therefore, the Legislature declares the following policies in respect to the financing of the State Teachers' Retirement System:

(a) All benefits in respect to service rendered after July 1, 1944, shall be provided approximately equally from members' contributions and public contributions. Public contributions consist of contributions by the state and contributions by school districts and employing agencies.

(b) All benefits in respect to service rendered prior to July 1, 1944, which cannot be met from the assets of the California Teachers' Retirement System shall be provided from contributions by the state.

13805. The costs of administration of the State Teachers' Retirement System shall be provided in the following manner:

(a) Fifty percent of the total annual costs of administration shall be met from contributions by the state.

(b) Twenty-five percent of the total annual costs of administration shall be paid from interest income earned by the Teachers' Retirement Fund. The total to be paid from such interest income in any fiscal year shall not exceed a sum equivalent to ten-hundredths (0.10) of 1 percent of the book value of the fund's investments on June 30th of the preceding fiscal year.

(c) Twenty-five percent of the total annual costs of administration shall be paid from that portion of the employer's semiannual contributions exceeding six dollars ($6) per member provided under Section 14101.

Beginning on July 1, 1973, the costs of administration of the system shall be met entirely by contributions by the state.

13806. The total of the costs of administration during any fiscal period may not exceed the amount made available by law for such costs during the fiscal period.

13807. The right of a person to a pension, retirement allowance, return of contributions, any optional benefit, or any other right accrued or accruing to any person under this chapter is exempt from taxation, including any inheritance tax, whether state, county, municipal, or district.

13808. The right of a person to an annuity, a retirement salary, or a retirement allowance, to the return of contributions, the annuity, retirement salary, or retirement allowance itself, any optional benefit, any other right or benefit accrued or accruing to any person under this chapter, and the moneys in the fund created under this chapter are not subject to execution, garnishment, attachment, or any other process whatsoever, and are unassignable except as specifically provided in this chapter.

13810. The obligations of any member of this system to this system continue throughout his membership, and thereafter until all of the obligations of this system to or in respect to him have been discharged.

13811. For the purposes of payments into or out of the Retirement Fund for adjustments of errors or omissions, the period of limitation of actions otherwise applicable shall not commence to run until the error or omission is discovered, as evidenced by the filing with this system of a claim or demand against this system or by the making of a claim or order for payment by this system against the former member, retirant, or his beneficiary.

13812. When the compensation of a member is a factor in any computation to be made under this chapter, including but not limited to computation of members' and school districts' or other employing agencies' contributions to the Retirement Annuity Fund and excluding computation of compensation earnable during time prior to July 1, 1956, there shall be excluded from such computations any compensation based on overtime put in by a member.

13813. The nonsubstantive revision of the State Teachers' Retirement Law, including this section, enacted at the 1969 Regular Session of the Legislature shall not be construed to effect any substantive changes in the law and in case of doubt as to any provision, such provision as it read on November 13, 1968 shall govern.

Article 2. Definitions

13820. Unless the context otherwise requires, the definitions set forth in this article govern the construction of this chapter.

13821. "Accumulated annuity contributions" means the sum of all the annuity contributions standing to the credit of the member's account, together with interest credited thereon.

13822. "Accumulated annuity deposits" means the sum of all the annuity deposits standing to the credit of the member's account, together with interest credited thereon.

13823. "Accumulated shelter contributions" means the shelter contributions made by a member and standing to the credit of the member's account, together with interest credited thereon.

13824. "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such tables and interest rates as are adopted by the board. The ages of members and beneficiaries shall be taken to the next lower completed quarter year in the determination of the actuarial equivalent.

13825. "Annuity" means payments for life derived from the "accumulated annuity deposits" or from the "accumulated annuity contributions" of a member and contributions of the state, or both. "Annuity" also means payments for life derived from "Permanent Fund contributions" of a member, plus credited interest.

13826. "Annuity contributions" means members' contributions to the Retirement Annuity Fund.

13827. "Annuity deposits" means contributions to the Annuity Deposit Fund.

13828. "Beneficiary" means any person receiving a retirement salary, an annuity, a retirement allowance, or other benefit.

13829. "Board" means the Teachers' Retirement Board.

13831. "Compensation earnable" by a member means the compensation as determined by the board which would have been earned by the member if he were engaged in his duties on a full-time basis.

The computation for any absence of a member shall be based on the compensation earnable by him at the beginning of the absence and that for time prior to becoming a member shall be based on the compensation earnable by him in the position first held by him as a member.

For part-time service, "compensation earnable" means the compensation which would be earnable if the employment were on a full-time basis and the member worked full time.

13832. "Compensation" and "salary" mean remuneration in cash payable by the employer to the member, plus any payments in cash by the employer to one other than the member for the purpose of purchasing an annuity contract for the member under an annuity plan which meets the requirements of Section 403(b) of the Internal Revenue Code of the United States.

13833. "County" includes "city and county."

13833.5. "County superintendent" means the county superintendent of schools.

13834. "Death benefits," with respect to this system, means the benefits provided by Sections 14070, 14180 and 14185, regardless of whether such benefits are paid in one sum or in installments.

"Death benefit" means survivors benefits payble in installments only if such survivors' benefits are payable at the option of survivors, in lieu of benefits as defined in the preceding sentence.

"Death benefit" with respect to a local system, when applied to benefits thereunder which are analogous to benefits included in the meaning herein stated with respect to this system, has the same general meaning as if applied under this system.

The "death benefit" provided in the Old Age, Survivors and Disability Insurance program under the Federal Social Security Act, is considered as provided from the member's contributions.

13834.1. "Dependent widower" means a member's widower who was receiving at least one-half of his support from the member at the time of the member's death.

13835. "Disability," "disabled" or "incapacitated" means, with respect to qualification for a survivor allowance, inability to engage in any substantial gainful occupation by reason of any physical or mental impairment which is determined on the basis of competent medical opinion secured by the board, to be of permanent or extended and uncertain duration.

13836. "Employer" or "employing agency" means the state or any agency or political subdivision thereof by whom a member is paid.

13837. "Employment" means employment in a status requisite for membership in the system.

13838. "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 or time during which he was not a member but for which he has received credit under the system, except such time as was so credited pursuant to the provisions of Sections 13999 and 14000.

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 is 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 are 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.

With respect to members whose retirements are effective after June 30, 1956, two or more breaks in service which are separated by periods of service each of which does not exceed one-half year of credited service, shall be added together, and for the purpose of this section, the total shall be considered as one break. Time during which a member is in state service or in the employment of a local school district or of a county superintendent and is also a member of another retirement system to which the state, a county, or the university contributes shall not be considered to be an absence 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.

Retirement allowances, heretofore effective and based on such final compensation, are hereby validated and confirmed.

The board may specify a different final compensation with respect to benefits based on part-time service rendered prior to July 1, 1956, for which credit was given under this system under board rules in effect prior to such date.

13839. "Local district" means any political subdivision of the state which contributes to the support of a local system.

13840. "Local system" means any retirement system, including for the purpose of this chapter, the Old Age, Survivors, Disability and Health Insurance program provided by the Federal Social Security Act, but exclusive of this system, for the retirement of teachers, or for membership or coverage which for this purpose is equivalent to membership, in which public school teachers are eligible, operated by a city, city and county, county, or other political subdivision of the state, or with respect to the Federal Social Security Act, the United States.

13841. "Maintaining" or "operating" a local system includes "supporting," "contributing to," or "contributes to the support of" such a system.

13842. "Member" means any person included in the membership of the system.

13843. "Month" means 20 days or four weeks of five days each, including legal holidays, with respect to the computation and crediting of service.

"Month," for all other purposes, means a period commencing on any day of a calendar month and extending through the day preceding the corresponding day of the succeeding calendar month, if there is any such corresponding day, and if not, through the last day of the succeeding calendar month.

13844. "Overtime" means the aggregate service performed as a member of the system in excess of the hours of work considered normal for employees on a full-time basis.

13844.5. "Part-time basis with respect to service" means a basis of service which is for less time than is required of persons serving on a full-time-day basis even though the employee may be subject to call at any time.

13845. "Payroll" includes registers, warrants, and any other documents upon which all persons receiving salary payments are listed.

13846. "Permanent Fund contributions" means members' contributions to the Teachers' Permanent Fund.

13847. "Public school" means any day or evening elementary school, and such day and evening secondary schools, technical schools, and kindergarten schools as may be established by the Legislature, or by municipal or district authority.

13848. "Regular interest" means interest, compounded annually, at the rate per annum adopted and revised from time to time by the board.

13849. "Retirement" means withdrawal from active service with a retirement allowance.

13849.1. "Retirant" means a former member who has been retired for service or disability and is receiving a retirement allowance.

13850. "Retirement allowance" means the sum of the "annuity," and the "retirement salary," or "retirement allowance" also means any optional benefit payable in lieu thereof if the context so requires.

13851. "Retirement salary" means payments for life derived from funds provided by Permanent Fund contributions of members and of the state and any political subdivision thereof.

13852. "Service" means service rendered for compensation in a status requisite for membership in the system except as provided in Article 8 (commencing with Section 13980).

13853. "Time" or "service" with respect to a local system shall include periods of time and service rendered therein, compensation earned during which was a basis for tax paid for the support of the Old Age, Survivors, Disability and Health Insurance program under the Federal Social Security Act, regardless of whether such compensation was included in the calculation of benefits to which the person earning such compensation became entitled.

13854. "Shelter annuity" means payments for life derived from the accumulated shelter contributions of a member.

13855. "Shelter contributions" means contributions made by an employer for the purchase of an annuity contract for a member under an annuity plan which meets the requirements of Section 403(b) of the Internal Revenue Code of the United States.

13857. "Survivor allowance" means the allowance provided for in Section 14186.

13859. "System" means the "State Teachers' Retirement System."

Article 3. Retirement Board and Administration

13870. The system is managed by the Teachers' Retirement Board. The members of the board are as follows:

(a) The Superintendent of Public Instruction.

(b) The State Controller.

(c) The Director of Finance.

(d) One member, who, at the time of appointment, is a member of the governing board of a school district.

(e) Three members of the State Teachers' Retirement System, at least two of whom at time of appointment are classroom teachers in grades kindergarten through 14.

(f) One official of a life insurance company appointed by the Governor for a term of four years, subject to confirmation by the Senate.

(g) One official of a bank appointed by the Governor for a term of four years, subject to confirmation by the Senate.

The members of the board provided by subdivisions (d) and (e) shall be appointed by the Governor for four-year terms from a list submitted by the Superintendent of Public Instruction.

The members of the board shall annually elect a chairman and vice chairman.

13871. The chief executive officer is the chief administrative officer of the system. The office shall be filled by appointment by the board and the appointee shall serve at the pleasure of the board.

The chief executive officer may administer oaths.

13872. The board shall set policy and make rules and it has the sole power and authority to hear and determine all facts pertaining to application for benefits under the system or any matters pertaining to the administration thereof. The board shall meet at least once every calendar quarter.

13873. The board may appoint a committee of two or more of its members to perform any act within the power of the board itself to perform. The board may also delegate authority to the chief executive officer to perform any such act. Except where the board, in delegating such authority, provides that the committee or the chief executive officer may act finally, all acts of the committee or the chief executive officer shall be reported to the board at its next regular meeting

and shall be subject to review, ratification or reversal by the board.

13874. The chief executive officer has the authority and responsibility for the administration of the system pursuant to the policies and rules adopted by the board. He may delegate to his subordinates any act or duty unless the board by motion or resolution recorded in its minutes has required him to act personally.

13875. The board shall appoint such employees as are necessary to administer the system.

13876. The board may authorize the transfer and disbursement of funds upon the signature of either or both its chairman and vice chairman or the chief executive officer or any employee of the system designated by the chief executive officer.

13877. Each member of the board may administer oaths and affirmations to witnesses and others transacting the business of the system.

13878. The board shall perform any other acts necessary for the administration of the system in carrying into effect the provisions of this chapter.

13879. Any rules and regulations adopted by the board for the purpose of the administration, and not inconsistent with the provisions of this chapter have the force and effect of law.

13880. The board shall regulate the duties of employing agencies and other public authorities, imposed upon them by this chapter, and shall require reports from the employing agencies and authorities as it deems advisable in connection with the performance of its duties.

13881. Reversal by the board of any act of the committee or the chief executive officer shall be effective on the date fixed by the board.

Payment of benefits prior to the board's action of reversal may not be affected by such action, except for such recovery of the amounts paid, from the beneficiary receiving the amounts, as the board may direct.

13882. The board shall subpoena witnesses and compel their attendance to testify before it.

13883. The board shall determine the service rendered by members to be credited toward qualification for retirement, and shall fix retirement allowances and modify the allowances.

13884. The board shall adopt, upon the recommendation of the actuary of the system, such mortality and other tables and interest rates as are necessary to:

(a) Permit valuation of the assets and liabilities of the system.

(b) Make any determination or calculation necessary to carry out the provisions of this chapter.

13885. The board may take such action as it deems necessary to insure the continued right of retirants, or beneficiaries of members or retirants, to receive monthly payments.

Such action may be in the form of properly witnessed affidavits or receipts from persons receiving the payments.

13886. The board may hold a hearing for the purpose of determining any question presented to it involving any right, benefit or obligation of a person under this chapter.

When a hearing is held, the proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, relating to administrative adjudication and the board shall have all of the powers granted therein. The provisions of Section 11508 of the Government Code relating to the location of the hearing shall not apply however and the hearing shall be held at such time and place as may be determined by the board.

13887. An applicant for retirement, or for a benefit, return of contributions, or other payment under this chapter may demand a hearing before the board and may be represented by counsel or by a friend.

13888. Any applicant may file an application for rehearing of any application within 30 days after written notice of the determination by the board has been sent by registered mail to the applicant or his attorney of record, upon any of the following grounds:

(a) That the board acted without and in excess of its powers.

(b) That the order, decision, or award was procured by fraud.

(c) That the evidence does not justify the determination of the board.

(d) That the applicant has discovered new evidence material to him which he could not, with reasonable diligence, have discovered or procured at the hearing.

13889. The determination of the board on any application for rehearing shall be made within 180 days after the filing thereof, or the application is denied. The determination is final and conclusive and the board has no jurisdiction to entertain any subsequent application regarding the same matter.

13890. The board shall file annually with the Governor and with the Senate and Assembly a report on all phases of its work which could affect the need for public contributions for costs of administration of the system, including the subjects of benefits, programs, practices, procedures, and any comments on trends and developments in the field of retirement.

Such report shall be filed with the Governor at least 30 days prior to the first day of each regular session of the Legislature and shall be filed with the Senate and Assembly within the first five days of each regular session.

13891. In addition to other records and accounts, the board shall keep such records and accounts as are necessary to show at any time:

(a) The total accumulated contributions of members, exclusive of accumulated shelter contributions.

(b) All other accumulated contributions in the Permanent Fund, reserved for the payment of survivor allowances.

(c) The total accumulated annuity deposits of members in the Teachers' Annuity Deposit Fund.

(d) The total accumulated deposits of retired teachers less payments made for annuities for retired teachers.

(e) The contributions of the state to the Retirement Fund.

(f) The total accumulated shelter contributions of members.

13892. Data filed by any member or beneficiary with the board is confidential. No official or employee who has access to the individual records shall divulge any information concerning such records to any person other than the member to whom the information relates or his authorized representative, the governing board of the school district or agency by which he is employed, or any state department or agency. They shall be used by the board for the sole purpose of carrying into effect the provisions of this chapter.

The information is not open to inspection by anyone except the board and its officers and employees, and any person authorized by the Legislature to make inspections.

13893. The board shall annually review the proposed budget of the costs of administration for the following fiscal year, and, on the basis of such budgeted amounts and the estimated prospective number of persons to be employed as members of the system during the next fiscal year, determine the total amount required as employer contributions for administrative expenses and the additional per-member contribution required from each employer.

The board shall make the determination on or before April 30th, and shall on or before May 15th notify all county superintendents regarding the rate determined for the following fiscal year.

If the total contributions collected under such a determination is found to be greater or less than were necessary to meet 25 percent of the total administrative costs of a given fiscal year, the board shall take such difference into consideration in its determination of the total contribution required in subsequent years.

This section shall cease to be operative on June 30, 1973.

13894. The board has exclusive control of the investment of the Teachers' Retirement Fund, including the purchase of securities and the sale thereof. Investments shall be confined to securities approved in this state for the investment of funds of savings banks.

13895. Investments may also be made in bonds issued pursuant to the Improvement Bond Act of 1915. The amount of principal and interest payable in any year on the issue of such bonds may not exceed an amount equal to an ad valorem tax on all property taxable by the public agency which authorized the issuance of such bonds, at a rate not exceeding ten cents ($0.10) for each one hundred dollars ($100) of assessed value, computed as of the date of such investment.

13896. The board has exclusive control of the administration of the funds. No transfers or disbursements of any amount from the funds shall be made except upon the authorization of the board for the purpose of carrying into effect the provisions of this chapter.

13898. Subject to the approval of the Department of Finance, the board may subscribe for membership for the State Teachers' Retirement System in the National Council on Teacher Retirement.

13899. The board shall keep in convenient form such data as is necessary for the actuarial valuation of the system.

In not to exceed six-year periods, the board shall make an actuarial investigation into the mortality, service, and other experience of members and beneficiaries and shall make an actuarial valuation of the assets and liabilities of the system. From time to time, the board shall determine the rates of interest being earned on the several funds. Upon the basis of any or all of such investigation, valuation, and determination, the board shall adopt for the system such interest rates, rates of contribution to the Retirement Annuity Fund, mortality, service, and other tables as are deemed necessary.

13900. No adjustment shall be included in new rates of annuity contribution adopted by the board on the basis of such investigation, valuation, and determination or because of amendment to the Teachers' Retirement Law, for time prior to the effective date of the adoption or amendment, as the case may be.

No action of the board, other than correction of errors in calculating the annuity at the time of retirement, shall change the annuity payable to a retirant retired prior to the date the action is taken.

Article 4. Establishment and Control of Funds

13910. There is in the State Treasury a Teachers' Retirement Fund. The fund shall contain all the assets held in the State Treasury for the system, or which were held by its predecessors, or the funds under the control of such predecessors.

13911. Wherever in this chapter authority is granted to disburse funds from, or to make payments to, the Teachers' Permanent Fund, the Retirement Annuity Fund, or the Teachers' Annuity Fund, such authority also extends to the Teachers' Retirement Fund.

13912. The Teachers' Retirement Fund also includes donations, legacies, gifts, and bequests made to it and accepted by the board and any appropriations made to it by the Legislature in addition to amounts provided in this chapter.

13913. Disbursements of money under the system, of whatever nature, shall be made upon claims duly audited in the manner prescribed for the disbursement of other public funds.

13914. Money, except interest and other income from investments, in whatever form, received by the State Treasurer for the fund, shall be reported forthwith by him to the board, and the money together with money received directly by the board shall be deposited forthwith by the board in the State Treasury to the credit of the fund.

13915. Interest, and other income derived from securities shall be collected by the State Treasurer, deposited to the credit of the fund, and reported forthwith to the board.

13917. The board shall credit contributions of the members of the retirement system to the Retirement Annuity Fund, the Annuity Deposit Fund, and to the Permanent Fund on account of service rendered after July 1, 1944, and to other accumulated reserves, with interest at a rate or rates to be declared annually by the board.

13918. Earned interest not credited to accounts or applied to costs of administration shall remain in the funds as a reserve against deficiencies in interest earned in other years, losses under investments, and other contingencies.

13919. The board may apply to reduce the book value of securities purchased, all or part of the excess of the proceeds of the sale or redemption prior to maturity of securities over the book value of the securities sold or redeemed provided the purchase of securities is made with such proceeds and provided that the terms of both securities from the date of sale, redemption, or purchase, as the case may be, to the respective dates of maturity, do not differ by more than five years. All such applications of excess of sales or redemption proceeds, even with greater difference in terms, heretofore made by the board are hereby validated and confirmed.

Article 5. Information as to Status

13930. Each member and beneficiary shall furnish to the board such information affecting his status as a member or beneficiary of the system, as the board requires.

13931. Each member shall file a statement with the board, at the option of, and upon the form furnished by, the board, giving:

(a) His date of birth.

(b) All service previously rendered by him in a status requisite to membership in the system or its predecessors.

(c) The beneficiaries under the system to receive any benefits, payable upon the death of the member or beneficiary.

13932. Each county superintendent shall give immediate notice in writing to the board of the employment, death, resignation, or discharge of any person employed in a status requisite to membership in the system, by the county or by a school district in the county.

Every other employing agency shall give similar notice with respect to each person employed by it in a status requisite to membership in the system.

13933. The county superintendent and other employing agencies shall furnish such further information concerning any member or beneficiary as the board may require.

13934. The county superintendent or other employing agency shall withhold the salary of any member who fails to file information required by the board in the administration of the system, or to pay amounts due from the members to the system.

The salary shall be withheld by the county superintendent or employing agency upon his own knowledge, if any, of the failure or upon notice from the board of the failure of the teacher to file or pay.

The salary shall be withheld and not released until notice is given by the board to the county superintendent or employing agency, or until the county superintendent or agency knows otherwise, that the information has been filed or the payment has been made.

Article 6. Membership in the System

13940. All persons who were members of the California State Teachers' Retirement System on June 30, 1944, including persons who are members of a local system, are members of the system.

13941. All teachers employed in the public schools of this state who have not claimed exemption, as provided by law, are members of the system.

13942. All teachers employed in the public schools of this state who claimed exemption but who have elected not to be exempt, are members of the system.

13943. Certificated librarians in elementary, secondary schools, or junior colleges, or persons who serve partly as librarians and partly as teachers, are members of the system.

13944. All other employees in the public schools of this state who hold valid and unrevoked credentials issued by the State Board of Education, and who are employed for at least 50 percent of each school month in work authorized by their credentials, are members of the system.

13945. A regularly credentialed teacher who is a former member of the 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 system.

13946. Any person who is a member of the system because of employment to perform duties which are requisite for membership, and who subsequently is employed by the same or a different school district or by a county superintendent, to perform duties which are not so requisite but instead are requisite for membership in a different public retirement system in this state, and enters upon such duties not so requisite,

shall continue to be a member of the system with respect to the latter duties, unless he elects by a writing filed in the office of the board, within 90 days after such entry, not to continue as a member with respect to his new duties.

Continuance of his membership in this system, of any person so employed prior to June 26, 1961, is hereby ratified, validated and confirmed, and for all purposes he shall be considered as having been a member without interruption as far as the employment is concerned, and with respect to the duties not so requisite, unless such person elects within 90 days after the date upon which notice of such right to elect, is mailed by this system to the member's latest address on file in the office of this system, not to be a member of the system with respect to the duties which are not so requisite.

13947. Persons employed in the public schools or in county superintendents' offices of this state to perform duties usually performed by counselors, coordinators, and research directors, are members of the system.

13948. Persons who are members on account of previous school employments as provided by this chapter and who are employed by the state to render service of an educational nature in the State Department of Education, or as Superintendent of Public Instruction, or as a deputy or associate superintendent of public instruction, are members of the system, unless they elect by a writing filed in the office of the board within 90 days after such employment not to be a member.

13949. All persons who were members of the system on account of employment by the state in positions where they had the right to elect membership in this system or another system, and who elected membership in this system are members of this system while employed in positions which were subject to this system prior to October 1, 1959.

13950. Superintendents, their deputies, and certificated employees under the direction of county superintendents are members of the system.

13951. Any person who has been a member for 30 years by reason of any previous employment as provided by this chapter, and who leaves such employment to accept an exempt position in the executive or legislative branch of state government is a member of the system while he occupies such an exempt position unless he elects not to be a member by a writing filed in the office of the board within 90 days after employment in such exempt position.

13959. If a member is retired, or if his contributions are refunded to him upon termination of service, he shall cease to be a member.

For the purposes of this section, deposit in the United States mail of a warrant drawn in favor of a member, as refund of his contribution, and addressed to the latest address of the member on file in the office of this system, constitutes

payment to the member of the amount for which the warrant is drawn.

Article 7. Exclusion From Membership

13960. 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 for benefits thereunder is excluded from membership in the system.

13961. Persons employed in a status which is requisite for membership, but who are members of a county retirement system are excluded from membership in the system. A member so excluded 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 14070.

13962. Persons serving as exchange teachers or sojourn teachers from outside of this state are excluded from membership in the system.

13963. 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 are excluded from membership in the system.

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.

13964. 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 persons who will serve less than four days per pay period on a daily basis are excluded from membership in the system.

13965. 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 are excluded from membership in the system.

13966. 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 are excluded from membership in the system.

13967. 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 13650 of the Welfare and Institutions Code are excluded from membership.

This section shall not be construed to apply to any regularly credentialed teacher who has been employed to teach in the regular educational programs of the school district as a probationary or permanent employee before being subsequently assigned to any one of these programs.

13968. 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 are excluded from membership in the system.

13968.5. For the purposes of Sections 13960 to 13968, inclusive, a pay period may be not less than four weeks or more than one calendar month.

13969. Any person who is a member of the Public Employees' Retirement System and who subsequently is employed in a status requisite for membership in this system is excluded from membership if he elects, by a writing filed in the office of Board of Administration of the Public Employees' Retirement System, within 90 days after such entry, to continue as a member of the Public Employees' Retirement System with respect to his new duties.

13970. A person employed as a teacher-assistant under the provisions of Section 13340 is excluded from membership in the system.

13971. Nothing in this article shall be construed or applied to exclude from membership in this system any member who enters a status requisite for membership in this system in which status he has the right to elect membership in this or another retirement system and who elects membership in the other retirement system, or who enters a status which is not requisite for membership in this system, but time served in which is included in this chapter.

Time served after becoming a member of the other system shall not be credited to the member under this system, nor shall contributions or benefits under this system be based upon such time or the salary received by the member during such time, except as provided in the definition of "final compensation" contained in Section 13838.

A member shall not be required to render two years of service in a status requisite for membership in this system before making application for retirement.

This section shall be retroactively applied to continue the membership in this system of any such member whose contributions have not been refunded to him.

Article 8. Computation of Allowable Service Credit

13980. This article governs the computation of service to be credited to a member for the purpose of determining whether the member qualifies for retirement, the amount of contributions required of the member, and the amount of benefits paid to a retirant.

13981. Service rendered prior to July 1, 1968, shall be credited according to the provisions of this chapter which were applicable prior to such date or in a manner prescribed by the board.

Service rendered on or after July 1, 1968, by a member shall be credited in the proportion the compensation paid bears to the compensation the member would have received if he had been employed on a full-time day basis in the particular position in which he is employed throughout the school term, school year, or for a period of service at least the equivalent to a school term, subject to the provision that he shall be credited with a full year if the compensation paid is at least ten-twelfths of the full-time earnable compensation, with comparable and equitable adjustments determined by the board for less than full-time service.

13982. A member shall receive credit for time served, as a member or prior to becoming a member, in a status requisite for membership in the system or its predecessors.

13983. A member shall receive credit for time served in a night school or in the adult education program, in the proportion that such time bears to the minimum full-time service required for credit for one year of service, according to Section 13981, unless such service is in the category of overtime service.

13984. A member shall receive credit for time served in a status prior to the date the status is made requisite to membership, whether under the California Public School Teachers' Retirement Salary Fund, the California State Teachers' Retirement System, or this system.

13985. A member shall receive credit for time served in a position in which, without a change in duties attached thereto, he subsequently qualifies as being in a status requisite to membership.

13986. A member shall receive credit for time during which he is prevented from rendering service in a status requisite for membership, by act of God, or by reason of the closing of a school by any duly authorized officer or body.

13987. A member shall receive credit for time served in teaching positions in publicly supported and publicly administered universities and colleges in this state.

13988. A member shall receive credit for time served in teaching positions in schools supported and administered by the United States government in this state.

13989. A member shall receive credit for time served as an exchange teacher in any location.

13990. Service shall be computed by school years and not by calendar years, portions of years served being accumulated and counted as service. All of the service rendered during any one school year in employment requisite for membership in this system shall not count for more than one year, and the service credited under this system to any member as ren-

dered during any school year, shall not exceed the fraction of a year which makes one year of service, when added to the service credited to such member under the Public Employees' Retirement System, the Retiring Annuities System of the University of California, or any locally administered retirement system in California except a local system as defined by Section 13840, as rendered during such year.

In lieu of any other benefits provided by this chapter, any member who rendered service prior to July 1, 1956, shall receive retirement benefits for that service at least equal to the benefits which he would have received for that service under the provisions of this chapter as they existed on June 30, 1956.

13991. No time shall be included for which a member is entitled to receive a pension in a lump sum or installment payments, for other than naval or military service from any source other than this system, or under the American Gratuity Act No. 4151 relating to service in the Philippine Islands under which 15 or more years of creditable service has accrued, or a local retirement system. If a retirant becomes entitled to such a pension, his retirement allowance shall be reduced thereafter to exclude the time upon which the pension is based, without other change in his retirement status.

13992. No time shall be included during which a member is a retirant of this system.

13993. For the purposes of this article, war with a foreign power exists: (a) whenever Congress has declared war and peace has not been formally restored; (b) whenever the United States is engaged in active military operations against any foreign power, whether or not war has been formally declared; or (c) whenever the United States is assisting the United Nations, in actions involving the use of armed force, to maintain or restore international peace and security.

13994. A member shall receive credit for time during which he serves in the active military service of the United States or of the state including active service in any uniformed auxiliary of, or to, any branch of such military service created or authorized as such auxiliary by the Congress of the United States of America or by the Legislature of the State of California, or in the full-time paid service of the American Red Cross rendered prior to September 10, 1957, during war with any foreign power or during other national emergency, or in time of peace if he is drafted for such service by the United States government, if he was employed in a status requisite for membership, or in a status, time served in which is included in this chapter, within one year prior to entering such service.

Time during which a member for other cause is absent without compensation, on leave or otherwise, shall not be included.

Time included under this section shall be considered as served in the state in which the member was last employed before entering such service.

13995. A member who voluntarily requests or agrees to an extension of his original term of enlistment, service, or tour of duty shall not receive credit for time during which he serves in such military service and which is after January 1, 1958, or after the expiration of six months following the date of termination of such original term of enlistment, service, or tour of duty, whichever is later. In no event shall a member receive credit for more than four years of such military service rendered after July 1, 1968.

13996. A member shall receive credit for time during which he is excluded from membership because of membership in any other retirement system and during which he serves in a status requisite for membership in this system or its predecessors, if he subsequently ceases to be a member of, and ceases to be entitled to benefits from, the other retirement system and becomes a member of this system.

Such credit shall not be given if the termination of membership in the other system resulted from his voluntary withdrawal, after January 1, 1960, of his contributions to that system.

13997. Time during which a member is excused from performance of his duties, such as but not limited to, sick leave, holidays, vacation, or sabbatical leave, whether or not he is required to perform any portion of such duties during such time, and for which he receives compensation, including disability from any insurance carrier of his employer, under the Labor Code on account of industrial injury or disease, in an amount less than the full compensation earnable by him while performing his duties when not so excused, shall be credited as service in the proportion that the compensation paid to the member bears to the full compensation which would be earnable by him while performing his duties on a full-time basis.

13998. Except as otherwise specifically provided in this article no member shall receive credit for service outside this state.

13999. Every person who was a member or a retirant of the California State Teachers' Retirement System on June 30, 1944, shall receive credit for time served outside this state prior to July 1, 1944, as follows:

(a) He shall receive credit for time served in a status which in this state is requisite for membership, in other states of the United States and its territories and possessions and in Canada.

(b) He shall receive credit for time served in teaching positions in publicly supported and publicly administered universities or colleges in the United States and its territories and possessions and in Canada.

(c) He shall receive credit for time served in teaching positions in schools supported and administered by the United States government.

(d) A member shall receive credit for time served as a physiotherapist during World War I in the Medical Department of the United States Army; provided, he was employed in a position requisite for membership in this system within one year prior to entering such service.

(e) Members who are employed in the California School for the Deaf or the California School for the Blind, or in special classes maintained by the public schools of this state, for the instruction of the deaf, the hard of hearing, the blind, or the semisighted shall receive credit for time served in publicly supported residential schools for the deaf and blind outside this state.

14000. A member shall receive credit for time served in publicly supported and administered schools in other states of the United States and its territories and possessions and in Canada as a teacher of children who are deaf or blind or both deaf and blind if the member fulfills all of the following conditions:

(a) He is credited with at least 10 years of service in this state as a teacher of children who are both deaf and blind.

(b) Within five years immediately preceding the date when he became a member of this system he served at least one year in publicly supported and administered schools in other states of the United States, its territories and possessions, or in Canada, as a teacher of children who were both deaf and blind.

(c) He was a member of this system on October 1, 1959.

14001. 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.

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.

Article 9. Member Contributions

14020. Contributions made by a member shall be credited to his individual account by the board.

Interest shall be credited to his individual account on the accumulated annuity contributions therein, at rates declared from time to time by the board.

14021. Acceptance of employment in a position requiring membership in the system is consent to have deductions from salary taken for the system.

14022. Each member who retires on or after July 1, 1944, is required to have contributed to the Permanent Fund at the following rates for the service credited to him under the system:

(a) Twelve dollars ($12) for each year of service prior to July 1, 1935, but contributions shall not be required for more than 30 years of service rendered prior to July 1, 1935.

(b) Twenty-four dollars ($24) for each year of service from July 1, 1935, to July 1, 1944.

(c) Sixty dollars ($60) for each year of service after July 1, 1944.

14023. Any person to whom service rendered outside of the state after January 1, 1914, is credited and any person who has claimed exemption from the provisions of the system or its predecessor or who is excluded from the system because of being a member of another retirement system while serving in a status requisite for membership in this system or its predecessor, and who later becomes subject to its provisions shall pay, in addition to the sum due under Section 14022 for each year of credited service rendered prior to July 1, 1944, either outside the state or while exempt or while a member of any other system, interest at the rate of 5 percent per annum on the amount which would have been contributed had he been a member of the system when the service was rendered. Interest shall begin on the first day of July next following the end of the school year in which the service was rendered.

14024. Such Permanent Fund contributions as are due for service rendered after July 1, 1944, shall accumulate with regular interest.

14025. Every person who retires on or after July 1, 1944, and who is entitled to receive a retirement salary, but who at the time of retirement is not credited with the full amount of contributions to the Permanent Fund required of him by Section 14022, shall pay to the system in a single payment such additional amount as is necessary to bring the contributions credited to him up to the full amount of contributions to the Permanent Fund required of him by Section 14022.

14026. Each member of this system shall contribute to the Retirement Annuity Fund at a rate of contribution established by the board, except that a member who is also a member of a local system shall not contribute to the Retirement Annuity Fund for any service for which he is entitled to retirement benefits under the local system.

14027. The rate of annuity fund contribution shall be based upon sex and age at the nearest birthday at the time of inclusion in or entrance into this system or at such later time as the member first is required to make annuity contributions, and shall be such as, when applied to the salary of the member, not counting any salary earned in service for which the member is entitled to retirement benefits from a local system, will produce contributions which will provide, on the average, an annuity at age 60 equal to approximately one-half of the benefit specified in Section 14245 to be derived from the Retirement Annuity Fund for service rendered after July 1, 1944,

plus the portion of the retirement salary computed pursuant to Section 14240, on the basis of his service rendered after June 30, 1944, and for which he is not entitled to receive benefits from a local system, as determined by recognized actuarial methods.

14028. Contributions required of a member to the Retirement Annuity Fund shall be deducted from each salary payment in the manner prescribed in Article 11 (commencing with Section 14050). A portion of such contributions, based on the service for which the salary payment is made, and computed at the rate of sixty dollars ($60) for each year of service for which the member is not entitled to receive benefits from a local system, shall be considered and administered as the contributions to the Permanent Fund, required by Section 14022 for service after July 1, 1944.

14029. Accumulated annuity contributions credited to a member whose date of birth is changed in the records of the system shall be adjusted to the corrected date by refund to the member or payment by the member, as the case may be.

14030. If, at retirement, there are contributions to the Permanent Fund and the Retirement Annuity Fund remaining to the credit of the member which were made with respect to time on the basis of which the member will not be entitled to receive a benefit from those funds, the board shall refund to the member such contributions as it may allocate to such time with credited interest.

14031. Subject to rules prescribed by the board, any member may elect to make annuity deposits for the purpose of providing additional benefits.

14032. Annuity deposits may be:

(a) Deducted from earned compensation, deposited in the county treasury, remitted and reported to the board in the manner prescribed for annuity contributions, or

(b) Remitted by the member directly to the system.

The member may cancel such election and later elect again at any time, but accumulated annuity deposits derived from such deposits made after June 30, 1956, may be withdrawn only as provided in Section 14070.

14033. Subject to rules prescribed by the board, any member may elect to make shelter contributions for the purpose of providing additional benefits.

14034. Shelter contributions may be made only in multiples of twenty-five dollars ($25) per month and may be made not to exceed in any one year, 10 percent of his compensation, composed of payments in cash, made to him by his employer, and upon which his other contributions were determined for that year.

14035. Employers of members, public officials and public agencies shall remit to the system, monthly or at other intervals fixed by the board, shelter contributions made, and shall file with the board, reports of such contributions segregated

according to members making them, all in accordance with such rules as may be adopted by the board.

14036. A person who has been excluded from membership under Section 13963, 13964, 13965, or 13966 and who subsequently becomes a member shall receive credit for the service rendered while so excluded provided he elects to pay, and pays, prior to retirement and in a manner provided by the board, contributions with respect to such service with regular interest.

Such contributions shall be equal to what they would have been had he not been excluded from membership but calculated at the rate of contribution first applicable to him as a member, or upon his reentry to membership.

14037. Any member, in addition to service credit provided under Article 8 (commencing with Section 13980) may purchase credit for similar service as a teacher in the public day schools, in state universities, state normal schools and other state or municipal institutions of a character similar to the state or municipally supported schools of California in which membership in the State Teachers' Retirement System is allowed, of another state of the United States, or of any territory or possession of the United States, or of the District of Columbia. The deposits for such service may be in multiples of one hundred dollars ($100), and together with regular interest, shall be credited to the member's account in the Annuity Deposit Fund. Such payment, together with regular interest, may be refunded under the same conditions and in the same manner as refunds are made under Section 14070, and are subject to the redeposit provisions of Section 14080. At retirement such amounts credited in the Annuity Deposit Fund shall be applied toward the purchase of an additional annuity, as provided in Section 14240 and Section 14260, and the total allowances payable to retired persons at retirement, or at death prior to retirement, will not otherwise be affected by said purchased credit.

The retirement board has the authority to negotiate, and enter into agreements with other states of the United States on the subject of the transfer of members' contributions and interest thereon between the retirement systems of California and other states.

Article 10. Member Contributions for Military Service

14040. Except as otherwise provided in this article a member of the system who receives credit for military or Red Cross service under Section 13994 shall pay such amounts as may be necessary, when added to contributions for the Permanent and Retirement Annuity Funds, deducted by the agency during his absence, to make his contributions to the Permanent Fund and to the Retirement Annuity Fund, equal to the contributions he would have made had he not been ab-

sent from the service of the employing agency. The contributions made shall be remitted to the board and administered by the board in the same manner as contributions deducted from salary payments. The employing agency may, at its option, make the contributions for the member, and contributions made by the agency shall be administered as if made by the member. If the member was not employed by an employing agency at the time he entered the military service or said auxiliaries thereof, or the service of the Red Cross, his contributions to and his benefits from the Retirement Annuity Fund for such service shall be based upon the salary he was receiving in his last employment prior to entering the military service or the auxiliaries thereof, or the service of the Red Cross.

14041. If any member of the system required to pay contributions under Section 14040, does not pay such contributions while rendering such service, the contributions shall be paid by him directly to the system in a single payment before retirement. Contributions due under this section shall be paid with regular interest for service rendered after July 1, 1944, such interest to run from the date of the member's discharge or release from military service to the date of payment.

14042. A member who is required to pay contributions in accordance with Section 14040, may elect at retirement not to pay contributions in accordance with that section. If such election is made the time in military or Red Cross service covered by such contributions shall be considered as a break in service for all purposes.

14043. No contributions shall be required for service credited under Section 13994 from a member for such service on account of an absence after September 15, 1940, if he returned to an employment requisite for membership in this system prior to March 19, 1948, or after that date if he returned to such employment within six months after the termination of such service and prior to January 1, 1950.

14044. No member may be required to pay contributions for service credited under Section 13994 which was rendered prior to January 1, 1950 provided he was continuously rendering such service prior to that date and returned to an employment in a status requisite for membership in this system within six months after the termination of such service.

14045. No member may be required to pay contributions for service credited under Section 13994 while on a military leave of absence if he entered such service after January 1, 1950 and returned to an employment requisite for membership within six months after the termination of such service.

14046. If a member is not required to pay contributions under Sections 14043, 14044 or 14045:

(a) Any such member who exercises or did exercise the right to contribute to the system for the period of such service shall

have such contributions refunded with credited interest on annuity contributions.

(b) Any employing agency which made the contributions for the member either during his absence or after his return to employment shall have such contributions refunded with credited interest on annuity contributions.

14047. If the member, who is not required to contribute under Sections 14043, 14044 or 14045, was also a member of a local retirement system, the retirement system shall pay, from the Retirement Annuity Fund, to the member, at the time of his retirement, or to the local district maintaining the local system, if the local district made local system contributions on the basis of service credited under the local system for time included under Section 13994, an amount equal to the annuity contributions not required under those sections of such member on account of such service credited under the local retirement system, but not to exceed contributions made by him or the local district to the local system on account of such service. Regular interest to the time of such payment shall be included in such payment. The state shall contribute annually to the Retirement Annuity Fund the amounts required to be paid from the fund to local districts under this section.

Article 11. Procedures for Collection of Member Contributions

14050. The governing board of each school district shall draw an order for the amount of salary payments due to the respective members employed by the board, less the amount of contributions required to be deducted from the payments, and shall inform the county superintendent of the amount of the contributions.

14051. The county superintendent at the close of each month shall draw requisitions against the funds of the school districts and in favor of the county teachers' permanent fund and county teachers' annuity deposit fund in each county treasury, for amounts equal to the total of contributions deducted during the month for the Permanent Fund and Retirement Annuity Fund, respectively.

The amounts shall be deposited in the county treasury to the credit of the respective funds.

At the option of the board such requisitions shall be drawn in favor of one of such funds in the county treasury, for the total contributions, regardless of the fund for which they were deducted, and deposited to that fund.

14052. The county superintendent shall deduct from salary payments due to the respective members employed by him, the contributions required and at the close of each month shall draw requisitions against the funds from which the salaries were paid and in favor of the county permanent and annuity funds, respectively, for amounts equal to the total

of the contributions deducted during the month for the Permanent Fund and Retirement Annuity Fund, respectively.

The amounts shall be deposited in the county treasury to the credit of the respective funds.

At the option of the board, such requisitions shall be drawn in favor of one of such funds in the county treasury, for the total contributions, regardless of the fund for which they were deducted and deposited to that fund.

14053. The county auditor shall deduct from salary payments due to the respective members employed by the county, the contributions required and at the close of each month shall transfer in the county treasury from the funds from which the salaries were paid, to the county permanent and county annuity deposit funds, respectively, amounts equal to the total of the contributions deducted during the month for the Permanent Fund and Retirement Annuity Fund, respectively.

At the option of the board, such transfer of the total contributions, shall be to one of such funds in the county treasury, regardless of the fund for which they were deducted.

14054. The county superintendent in each January and July shall issue a receipt for the contributions to each member from whose salary payments the deductions were made during the six months immediately preceding.

The board may issue to each member, after the close of the school year in lieu of such receipt, either one receipt for all contributions deducted from his salary during the year or a statement of his individual account

14055. In January and July of each year, or in each month at the option of the board, the county superintendent shall draw his requisition against the county auditor, and the requisition when allowed and signed by the county auditor shall constitute a warrant against the county treasurer, for the amount of contributions deducted from members' salary payments during the preceding month.

The county auditor thereupon shall forward the warrant to the office of the board in Sacramento.

14056. The county superintendent shall supply an annual report to the board giving the names of members from whose salary payment contributions were deducted, the amount of the contributions in the case of each member, and such other information as the board may require.

The report shall cover the earnings of members for the school year ending on the preceding June 30th. The original of the report shall be sent by the county superintendent to the board.

Such annual reports are due on July 31st and shall be considered delinquent if not received in the office in Sacramento in acceptable form on or before the December 31st following the close of the period ending on the preceding June 30.

If the report of a county superintendent is delinquent the State Controller shall, upon order of the board, withhold subsequent payments from the State School Fund to the county for deposit in the county school service fund until the report is received in acceptable form and the board directs the State Controller to make such payments to the county as would have been paid had no payments been withheld.

If monthly requisitions are required, the reports with respect to members' contributions to the Annuity Deposit Fund alone, or with respect to all members' contributions, may at the option of the board be required monthly.

14057. Employing agencies other than school districts or counties shall deduct from each salary payment due to the respective members employed by them, the contributions required, and shall remit in January and July of each year, or in each month at the option of the board, to the board, in a form satisfactory to it, the contributions deducted during the preceding six calendar months or month, as the case may be.

The remittances shall be accompanied by a report in the manner required of the county superintendent.

14058. The board at its option and in lieu of all or part of the method of collecting members' contributions provided in this article, may require any county, city, or district superintendent of schools, any governing board of a school district, or any disbursing officer of any other employing agency, to furnish the board with a copy of every payroll of the school district or other employing agency.

The payroll shall show for the period covered thereby and for each person employed by the district or other employing agency during the period the time served, the compensation earnable, the amount of salary earned, the contributions deducted for the Permanent Fund, the Annuity Deposit Fund, and the Retirement Annuity Fund, respectively, the net amount paid, and such other data as the board may require.

The payroll shall be verified by a duly authorized official, and shall be accompanied by a remittance to the board in a form acceptable to the board, of the total of the contributions shown on the payroll as deducted from the salary payments of members listed thereon.

14059. Upon the request of the board, the employing agency shall furnish the board with a statement of the amount of contributions deducted from salary payments of any member, the services rendered by the member, and the salary earned by him, since the end of the period covered by the last report of the superintendent or employer. The board may use the information shown in the statement in determining contributions to be paid to the member or to a beneficiary, or use it in determining the member's status upon retirement, even though the contributions will not be received by the board until after the payment or determination.

14060. If more or less than the correct amount of the contributions is paid with respect to any salary payment, including salary payments to exchange teachers for service outside of this state, proper adjustments shall be made, without interest, in connection with subsequent salary payments, or adjustments may be made by direct cash payments between the member and the employing agency or the board. Adjustments to correct any other errors in payments to or by the board may be made in the same manner.

If the board determines that an amount is due the system from a person who has retired, including one who has applied for retirement but has not received his first retirement warrant, and that the person is unable to pay the amount due, the board may withhold all or part of subsequent payments due the member, or due on his account, until the amounts so withheld equal the amount due plus interest at the rate in use under the system.

Losses or gains resulting from error in amounts within the limits set by the State Board of Control for automatic writeoff, and losses or gains in greater amounts specifically approved for writeoff by the State Board of Control, shall be debited or credited, as the case may be, to the reserve against deficiencies in interest earned in other years, losses under investments, and other contingencies.

Article 12. Return of Members' Contributions

14070. Upon the termination of a member's employment by any cause other than death or retirement there shall be paid to him, or if no other benefits are payable under this chapter upon the death of a member, there shall be paid to the beneficiary nominated by the deceased member:

(a) The Permanent Fund contributions, without interest, standing to the credit of his individual account, as having been made after July 1, 1935.

(b) The accumulated annuity contributions standing to the credit of his individual account in the Retirement Annuity Fund.

(c) Any moneys standing to the credit of his individual account in the Annuity Deposit Fund, together with the interest accumulated thereon.

(d) The shelter contributions standing to the credit of his individual account, together with credited interest if he has made such contributions for more than five years, but otherwise without credited interest.

14071. A member, without terminating his membership, may withdraw shelter contributions standing to the credit of his individual account, together with credited interest if he has made such contributions for more than five years, but otherwise without credited interest.

14072. Refunds to a member shall be made upon request of the member, or may be made without such request if it ap-

pears to the board that the member's employment is permanently terminated and the member does not have enough service under the system to qualify for receipt of a retirement benefit.

14073. If a member ceases to be entitled to credit for service in this system because he has become entitled to credit for such service in another retirement system supported wholly or in part by funds of the United States government, or any state government or political subdivision thereof, except a local system, he is entitled to a refund of the contributions paid the Teachers' Permanent Fund after July 1, 1935 without interest except for such interest as was paid by the member, and the accumulated annuity contributions on account of such service.

14074. The board shall withhold for four months payment of contributions upon termination of employment, if the person to whom the contributions are payable previously had been paid contributions and had again become a member within one year after the termination of the prior employment in a status requisite for membership.

14075. Any member shall be paid the accumulated annuity deposits based on salaries earned prior to July 1, 1944, in the Annuity Deposit Fund standing to the credit of his individual account upon his written request to the board. Such deposits so withdrawn may not thereafter be redeposited in the Annuity Deposit Fund, but if such accumulated annuity deposits were withdrawn by a member upon termination of employment, the amount so withdrawn may be redeposited in the Annuity Deposit Fund at any time within one year of the reentry of the person into membership in the retirement system.

Article 13. Redeposit of Members' Contributions

14080. If a person whose contributions have been refunded reenters the system he may elect to redeposit the contributions, excluding shelter contributions, after he has rendered two years of creditable service subsequent to his reentry.

Such redeposit shall include regular interest. For time prior to July 1, 1944, the interest shall be at 2½ percent compounded annually.

Redeposit may be made in installments in accordance with such rules and regulations as may be established by the board.

The election to redeposit refunded contributions as provided by this section is extended to all persons who received refunds prior to October 1, 1961, and who have not redeposited prior to that date, provided that an election to redeposit such contributions was not available at the time of reentry to membership.

14081. Upon reentry to membership the member's rate of contributions shall be the rate applicable to his age on the date of reentry. If he elects to redeposit contributions his rate

of contributions on service rendered subsequent to the first of the month following the date such election is received in the retirement office shall be the rate applicable to the age attained by deducting the period from the date of refund to the date of reentry from the exact age attained at the time of reentry.

Redeposit of contributions under this section may be adjusted by amounts arising from erroneous application of rate of contribution or other contribution errors.

14082. If a person upon reentering the system after his contributions have been refunded does not elect to redeposit refunded contributions or, having so elected, subsequently does not make such redeposit, he reenters as a new member without credit for any service except service credited to him as rendered before July 1, 1935, for which no contributions were refunded, and his rate of contribution shall be the rate applicable to persons of his age on the date of reentry.

14083. Any person whose contributions were refunded to him and who has received, or will qualify for the receipt of, a retirement allowance from the Public Employees' Retirement System as a state member of that system, or as an employee of a local school district or of a superintendent, or from the retirement system of the University of California has the right to reenter this system and to redeposit the contributions refunded to him, with regular interest, without being employed in a status requisite for membership in this system.

Such redeposit shall be in the form of a single lump sum payment.

A person who is reinstated to membership on account of this section is not entitled to receive credit for service which might otherwise be creditable under the provisions of Section 13999 relating to credit for service rendered outside the state prior to July 1, 1944.

Article 14. Public Contributions

14100. Each school district or other employing agency shall contribute semiannually to the Permanent Fund, six dollars ($6) for each member it employs.

14101. In addition to the contribution provided in Section 14100, each school district or other employing agency shall contribute semiannually to the Permanent Fund an amount, not to exceed one dollar ($1) for each member it employs, as determined by the board, to meet the employer's share of administrative expenses.

This section shall cease to be operative on June 30, 1973.

14102. The superintendent of each county shall certify to the board, on or before the 15th of each May and December:

(a) The number of members of the system who appear on the March and October payrolls of the respective school districts in the county, or who, during March and October were

on leave of absence granted for the types of service included in Section 13994, and

(b) The number of his deputies and certificated employees, including himself, who are members of the system and appear on the March and October payrolls.

14103. At the option of the county superintendent, a member employed in more than one district in any county may be counted in each of the districts as a fraction of one determined by dividing one by the number of the districts or may be counted as one in one of the districts and the pro rata portions of the amount due transferred by the county superintendent to the district from the funds of the other districts. Otherwise each of the districts shall contribute the total amount due.

14104. At the option of the county superintendent, the contribution to the Permanent Fund for any member whose compensation is paid part from funds of two or more districts or other employing agencies shall be prorated between such funds in proportion to the amount of compensation paid from each fund.

14105. On or before the 15th of each May and December,

(a) For members whose compensation is paid by the school districts, the county superintendent shall draw requisitions against the funds of the respective school districts within the county, and in favor of the Teachers' Retirement Deposit Fund

(b) For members whose compensation is paid by him, the county superintendent shall draw requisitions against the funds from which salaries were paid, and in favor of the Teachers' Retirement Deposit Fund

(c) For members whose compensation is paid by the county, the county auditor shall transfer from the funds from which the salaries were paid, to the Teachers' Retirement Deposit Fund

in amounts equal to the contributions required and the amounts shall be deposited in the county treasury to the credit of the fund. The county superintendent thereupon shall draw his requisition against the Teachers' Retirement Deposit Fund in favor of the State Teachers' Retirement System for the amount of the district and other agency contributions and the requisition, when allowed and signed by the county auditor, shall constitute a warrant against the county treasurer. The county superintendent thereupon shall forward the warrant to the board in Sacramento along with such reports relative thereto as the board may require.

14106. If the members are employed by any agency of the state, remittances to the board of six dollars ($6) for each member shall be made in April and November of each year by the disbursing officer of the agency by which the members are employed.

Remittances shall be made out of funds provided for the support of the agency.

Amounts due the Permanent Fund shall be calculated on the basis of the number of members on the last payrolls in the current school year, prior to April 15th and November 15th respectively, or, at the end of the respective periods covered by the payrolls, on leave of absence granted for the particular military and other service included in Section 13994.

14107. Each school district or other employing agency shall contribute to the Retirement Annuity Fund, an amount equal to 3 percent of the compensation paid by the district or agency, to its employees who are members of the system, except that:

(a) No elementary school district, high school district not maintaining a junior college, or junior college district shall be required to contribute an amount in excess of the amount that would be produced by a tax of five cents ($0.05) on each one hundred dollars ($100) of the taxable property of the district as shown by the equalized assessment roll for the current fiscal year of the county or counties in which the district is located, and that

(b) No high school district maintaining a junior college, or unified school district not maintaining a junior college, shall be required to contribute to the fund an amount in excess of the amount that would be produced by a tax of ten cents ($0.10) on each one hundred dollars ($100) of the taxable property of the district as shown by the equalized assessment roll for the current fiscal year of the county or counties in which the district is located, and that

(c) No unified school district maintaining a junior college shall be required to contribute to the fund an amount in excess of the amount that would be produced by a tax of fifteen cents ($0.15) on each one hundred dollars ($100) of the taxable property of the district as shown by the equalized assessment roll for the current fiscal year of the county or counties in which the district is located.

14108. Within 30 days after the close of each calendar month, each school district, or other agency, which employs members of the system shall pay to the system the contributions required of it by the provisions of Section 14107.

Such contributions shall be an amount determined by deducting the amount of contributions paid by the district, or agency, for previous months in the same fiscal year from the lesser of:

(a) An amount determined under Section 14107 on the basis of compensation paid during the fiscal year up to and including the current month, or

(b) A fraction of the amount determined under Section 14107 on the basis of the assessed valuation of the district, the fraction being equal to the number of months that have elapsed in the fiscal year, up to and including the current month, divided by 12.

Each remittance shall be in a form acceptable to the board, and shall be accompanied by a statement verified by a duly authorized official, and containing such information as the board may prescribe.

The amounts received shall be deposited forthwith in the State Treasury to the credit of the Retirement Annuity Fund.

14109. Within 30 days after the close of each calendar month,

(a) For members whose compensation is paid by the school districts, the county superintendent shall draw requisitions against the funds of the respective school districts within the county.

(b) For members whose compensation is paid by him, the county superintendent shall draw requisitions against the funds from which salaries were paid.

(c) For members whose compensation is paid by the county, the county auditor shall transfer from the funds from which the salaries were paid.

Such requisitions shall be made in favor of and such transfer shall be made to the Teachers' Retirement Deposit Fund in amounts equal to the contributions required by Section 14108 and such amounts shall be deposited in the county treasury to the credit of the fund.

The county superintendent thereupon shall draw his requisition against the Teachers' Retirement Deposit Fund in favor of the system for the amount of district and other agency contributions and the requisition, when allowed and signed by the county auditor, constitutes a warrant against the county treasurer.

The county superintendent thereupon shall forward the warrant to the board in Sacramento along with such reports relating thereto as the board may require.

14110. If more or less than the correct amount of contribution is paid for any period, proper adjustments shall be made, without interest, in connection with subsequent remittances to the board, or by direct cash payments between the employer and the board.

14111. District taxes may be levied and collected annually by the respective districts 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 taxes for school district purposes.

Such tax is for the purpose of providing funds necessary to make the contributions to the Permanent Fund and the Retirement Annuity Fund required of school districts under this article.

A school district which maintains a local system may combine into one rate, the tax rate fixed under this section and the tax rate fixed to provide funds for such system, but the funds provided by the rate authorized by this section shall

be segregated in the district's accounts, from the funds provided by the rate for the local system, as soon as possible after the receipt of the tax funds.

14112. The state shall contribute annually to the Teachers' Retirement Fund an amount, determined actuarially, which shall equal the sum of:

(a) An amount equal to so much of the benefits to be paid from the Permanent Fund during that year as is not provided by the Permanent Fund contributions based on service after July 1, 1944, of the members receiving such benefits, plus interest at a rate declared annually by the board, and by the contributions of employing agencies during that year.

(b) An amount equal to so much of the benefits to be paid from the Retirement Annuity Fund during that year, as is not provided by the accumulated annuity contributions of the members receiving such benefits, and by the contributions of employing agencies during that year.

(c) An amount equal to the sum required for death benefits under Sections 14180, 14185, and 14193.

(d) An amount equal to so much of the survivor benefits to be paid from the Permanent Fund as are in excess of the accumulated contributions and interest in that fund which are not required for the future payment of annuities, refunds and death benefits.

(e) An amount equal to the amounts required to be paid to local districts under Sections 14047, 14122, 14123, 14126, 14131, 14132, and 14135.

14113. The provisions of this chapter providing for state contributions do not constitute appropriations of money from the State Treasury. The sums required for state contributions shall be appropriated in each State Budget Act, or in such other manner as the Legislature may deem appropriate.

14114. If the amount of the state contribution for any prior year, as determined actuarially and appropriated by the Legislature, is found to have been greater or less than it should have been, the state contribution for any year shall be reduced or increased, as the case may be, by the sum by which the state contribution for the prior year was greater or less than it should have been, except to the extent that such sum has been applied to reduce or increase the state contribution for any prior year.

Article 16. Payments From the Fund to Local Districts

14120. At the beginning of each fiscal year the system shall pay to each local district maintaining a local system the amounts specified in this article.

14121. This article does not apply to a local system established under Chapter 5 (commencing with Section 14501).

14122. An amount shall be paid from the Teachers' Retirement Fund equal to the:

(a) Difference with respect to all service by persons who retired prior to July 1, 1947, between the retirement allowance paid from the Teachers' Retirement Fund during the preceding year to or on account of persons who were entitled to receive retirement allowances from the local system, and the retirement allowance which would have been paid during the preceding year to or on account of those persons if they were not entitled to receive retirement allowances from the local system.

(b) Difference with respect to service prior to July 1, 1944, and one-half the difference with respect to service rendered after July 1, 1944, by persons retired on or after July 1, 1947, between the retirement allowances paid from the Teachers' Retirement Fund during the preceding year to or on account of persons who were entitled to receive retirement allowances from the local system, and the retirement allowance which would have been paid during the preceding year to or on account of those persons if they were not entitled to receive retirement allowances from the local system.

14123. An amount shall be paid from the Teachers' Retirement Fund equal to the difference between the death benefits paid from the Teachers' Retirement Fund during the preceding year on account of persons who qualified for death benefits under the local system, and the death benefit which would have been paid during the preceding year on account of such persons if they had not qualified for death benefits from the local system, all regardless of elections of allowances under Section 14193.

14125. The amounts paid under Sections 14122 and 14123 shall not be used to reduce the contributions required of members of the local system or to increase the benefits payable by the local system, but shall be applied to reduce the cost of support of the local system to the taxpayers of the local district maintaining the local system.

14126. In addition to other payments required by this article, at the beginning of each fiscal year after June 30, 1968, the system shall pay to each local district maintaining a local system from the Teachers' Retirement Fund an amount equal to the difference between the increase in benefits the retired member or his survivor under Section 14280, received under Article 26 (commencing with Section 14330) and the increase under Article 26 (commencing with Section 14330) which would have been payable during the preceding fiscal year, if such member or survivor had not been entitled to benefits from a local system.

Article 17. Payments From Fund to Certain Local Districts

14130. At the beginning of each fiscal year the system shall pay to each local district maintaining a local system under Chapter 5 (commencing with Section 14501) the following amounts specified in this article.

14131. An amount shall be paid from the Teachers' Retirement Fund:

(a) Equal to the difference with respect to all service by persons who retired prior to July 1, 1947, between the retirement allowance paid from the Teachers' Retirement Fund during the preceding year to or on account of persons who were entitled to receive retirement allowances from the local system, and the retirement allowance which would have been paid during the preceding year to or on account of those persons if they were not entitled to receive retirement allowances from the local system.

(b) Equal to the difference with respect to service prior to July 1, 1944, and one-half the difference with respect to service rendered after July 1, 1944, by persons retired on or after July 1, 1947, and prior to February 1, 1965, between the retirement allowance paid from the Teachers' Retirement Fund during the preceding year to or on account of persons who were entitled to receive retirement allowances from the local system, and the retirement allowance which would have been paid during the preceding year to or on account of those persons if they were not entitled to receive retirement allowances from the local system.

(c) Equal to all the difference, minus the portions of the allowances which would have been provided under this system by accumulated annuity contributions if there had been no local system, with respect to service rendered after June 30, 1944, by persons whose retirement is effective after January 31, 1965, between the retirement allowances paid from the Teachers' Retirement Fund during the preceding year to or on account of persons who are entitled to receive retirement allowances from the local system, and the retirement allowances which would have been paid during the preceding year to or on account of those persons if they were not entitled to receive retirement allowances from the local system.

14132. An amount shall be paid from the Teachers' Retirement Fund, equal to the difference between the death benefits paid from the Teachers' Retirement Fund during the preceding year on account of persons who qualified for death benefits under the local system, and the death benefit which would have been paid during the preceding year on account of such persons if they had not qualified for death benefits from the local system, all regardless of elections of allowances under Section 14193.

14133. The amounts paid under Sections 14131 and 14132 shall not be used to reduce the contributions required of members of the local system or to increase the benefits payable by the local system, but shall be applied to reduce the cost of support of the local system to the taxpayers of the local district maintaining the local system.

14134. The local district maintaining a local system shall defray any actual and necessary expenses of the State Re-

tirement System in bringing the accounts of local members up to date for the purposes of the utilization of the provisions of this section by the local district in order to maintain the local district's system.

The local district shall defray any actual and necessary expenses incurred in maintaining these accounts on a year-to-year basis. These expenses shall be defrayed from the accumulated contributions by the local district to the local system.

The amount to be paid pursuant to this section by a local district maintaining a local system to the system in any fiscal year shall not exceed the product of three dollars ($3) multiplied by the number of local members actually retiring in that year.

14135. In addition to other payments required by this article, at the beginning of each fiscal year after June 30, 1968, the system shall pay to each local district maintaining a local system from the Teachers' Retirement Fund an amount equal to the difference between the increase in benefits the retired member, or his survivor under Section 14280, received under Article 26 (commencing with Section 14330) and the increase under Article 26 (commencing with Section 14330) which would have been payable during the preceding fiscal year, if such member or survivor had not been entitled to benefits from a local system.

Article 18. Beneficiary Designations

14151. Whenever designation of a beneficiary is authorized by this chapter and no beneficiary has been designated or such designation has been revoked, the estate of the person authorized to make the designation is the beneficiary.

14152. If the estate is the beneficiary, and if the estate need not be probated except for the payments due from the system, all of the amount due shall be paid directly without probate to the surviving next of kin of the deceased, or the guardians of the survivors' estates, share and share alike, payment to be made in the order in which the following groups are listed:

(a) Husband or wife.
(b) Children.
(c) Father and mother.
(d) Grandchildren.
(e) Brothers and sisters.
(f) Nieces and nephews.

No payment shall be made to persons included in any of the groups if, at the date of payment, there are living persons in any of the groups preceding it. Payment to the persons in any group, upon receipt from the persons of an affidavit upon a form supplied by the board, that there are no living individuals in the groups preceding it and that the estate of the deceased will not be probated, shall be in full and complete discharge and acquittance of the board and system on account of the death.

14153. A member or retirant may at any time designate a beneficiary to receive such benefits as may be payable under this chapter. Such designation shall be in writing in a form prescribed by the system, executed by the member, witnessed by one witness, not a beneficiary, and such instrument shall be received by the system before the member's death.

Such designation of beneficiary, other than a designation under options 2 and 3, may be revoked at the pleasure of the person making the nomination, and a different beneficiary designated.

14154. A member's marriage, divorce, annulment of marriage or the termination of membership constitutes a revocation of his previous designation of a beneficiary.

Any designation of beneficiary in effect on October 1, 1967, which was filed prior to the occurrence of any of the conditions specified herein is void.

After any revocation or voidance of a beneficiary designation, a member may designate the same or another beneficiary or beneficiaries according to the procedure in Section 14153.

14155. If after nomination of his child or children as a beneficiary, a married member has issue of his marriage and such child survives the member, or is born after his death, such child shall receive an equal share with those children named as such beneficiaries unless the member declares in a writing filed with the system that such child is intentionally excluded as a beneficiary. No other evidence to rebut the presumption of such revocation can be received.

14156. Children of a deceased child (such child being a designated beneficiary or such after-born beneficiary), of the member shall receive share and share alike, the share that such child would have received were he living at the date of the member's death.

14157. There is a 30-day claim period subsequent to notification of death before drawing a warrant in favor of the designated beneficiary.

14158. Whenever any member of the system dies while in active membership status, including those on a deferred membership status, or within four months after the termination of the member's employment in a status requisite for membership, benefits payable at death, unless a claim by someone other than the designated beneficiary or beneficiaries is filed with the system during the period provided in this article, shall be paid to the beneficiary designated by him on a form provided by the system and on file in the office of the system prior to the death of the member.

14159. Payment to a beneficiary designated in the form on file in the system at the date of death by a warrant drawn prior to any claim under a will or under community property rights constitutes full discharge of any and all liability of the board and system by reason of the member's death.

14160. The board, if the whereabouts of the nominated beneficiary cannot be determined, or if the beneficiary is the estate of the deceased person, may pay to the undertaker who conducted the funeral, or to any person who, or any organization which, has paid the undertaker from funds owned by the person or organization, in its discretion all or a portion of any amount payable under the system, but not to exceed the funeral expenses of the deceased person, or the portion of the expenses paid by the person or organization, as evidenced by the sworn itemized statement of the undertaker, person, or organization and by such other documents as the board may require.

The payment is in full and complete discharge and acquittance of the board and system up to the amount paid.

Article 19. Death Benefits

14180. (a) Except as otherwise provided in Section 14193, 14283, 14284 or 14285 payment pursuant to subdivision (b) of this section shall be made upon receipt of proof of a member's death which occurred:

(1) Before the effective date of his retirement or after that date but before the date upon which the warrant for his first retirement allowance is mailed, including a warrant for an advance payment as permitted by Section 14370, and within four months after the termination of the member's employment in a status requisite for membership in this system, or

(2) While the member was physically or mentally incapacitated for performance of his duty, if such incapacity had been continuous from such termination.

(b) There shall be paid to the designated beneficiary:

(1) The Permanent Fund contributions, without interest, standing to the credit of his individual account, as having been made after July 1, 1935.

(2) The accumulated contributions standing to the credit of his individual account in the Retirement Annuity Fund.

(3) The accumulated contributions, with interest, standing to his credit of his individual account in the Annuity Deposit Fund.

(4) The accumulated shelter contributions standing to the credit of his account.

(5) There shall also be paid an amount, provided from contributions by the state, and payable from the Retirement Annuity Fund, for each completed year of service as a member, not to exceed six and excluding those years of service with respect to which contributions have been refunded and the member had not elected to redeposit, equal to one-twelfth of the salary which would have been earned by the member at the rate of salary at which he was last employed preceding death, assuming engagement in duties for the number of

schooldays during the school year in which such employment existed.

If the last employment preceding death was less than full time, the salary used under this section shall be the salary earned and used in the calculation of contributions in the last preceding year.

14181. In calculating benefits payable upon death before retirement, except in determining qualifications for survivor allowances, a year of service shall be credited for each year during which the member was employed throughout the year on a part-time basis and was engaged in his duties the full amount of time he was required by his employment to be so engaged. Credit for fractional years shall be granted to the extent of the fraction derived by dividing the time during which the member was engaged in his duties within the year, by the time he was required by his employment to be so engaged.

14182. The benefits provided in Section 14180, except as otherwise provided, are payable upon receipt of proof of a member's death which occurred:

(a) While he was employed in a status requisite for membership in this retirement system, and was receiving compensation because of such employment, and before the effective date of his retirement or after such date if under the provisions of Sections 14281 and 14282 he is to be considered as an active member at the time of death, or

(b) While he was serving in the active military service of the United States or in any other service stated in Section 13994 provided that time in such service will qualify for credit as service under this retirement system, or

(c) While the member was physically or mentally incapacitated for performance of his duty, if such incapacity had been continuous from the last day for which compensation was paid to him, or

(d) While he was on a leave of absence without compensation, granted for reason other than mental or physical incapacity for performance of his duty, and within 18 months after the last day for which such compensation was paid, or

(e) Within four months after the termination of the member's employment in a status requisite for membership in this retirement system; provided, first that such death was not included within the provisions of subdivision (c), and, second, that such death does not occur more than 18 months after the last day for which compensation was paid to him, or

(f) Within six months of his last day of service if an application for retirement, filed by the member or on his behalf, was received in the retirement office prior to four months from his last day of service and prior to his death, provided benefits are not payable under Section 14280.

14183. If the member dies after he has rendered six months of service subsequent to his reentry to membership, and be-

fore making an election with respect to the redeposit of the refunded contributions, the service upon which such contributions were based and the service rendered after his reentry shall be included in the determination of the benefits payable under Sections 14180 and 14186.

14184. From the amount determined under paragraph (5) of subdivision (b) of Section 14180 there shall be deducted an amount equal to that portion of the benefit payable on account of the death by a local system or the Public Employees' Retirement System, which is provided from contributions of the employer, and is in addition to the portion of the benefit payable by such systems which is made up of the accumulated contributions of the member, and independently of any optional election made by the person at the time of his retirement, under which he received a reduced retirement allowance and a benefit was provided at his death.

14185. Upon receipt of proof of the death of a retirant there shall be paid to the designated beneficiary 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 death by a local system or by the Public Employees' Retirement System. The deduction shall be made regardless of whether such benefit is payable before or after retirement under such local or state system, from contributions of the employer, independently of any optional election made by the person at the time of his retirement under which he received a reduced retirement allowance and a benefit was provided at his death.

14186. If a member is entitled to be credited with one or more years of service, and, if there has been a break in the member's employment of more than one year, one-half year of such service having been rendered after the end of the last such break, and on account of whose death the benefit provided by Section 14180 is payable:

(a) The surviving wife or surviving dependent husband of the member, who has the care of unmarried children, including dependent stepchildren, of the member who are under 18 years of age or are incapacitated because of a disability which began before and has continued without interruption after attainment of such age, or if there is no such spouse, then

(b) The guardian of surviving unmarried children, including dependent stepchildren, of the member who are under 18 years of age or so incapacitated, if any, or if none, then

(c) The surviving wife or surviving dependent husband of the member, who does not qualify under subdivision (a) of this section, or if none, then

(d) Each surviving parent of the member shall be paid, regardless of the beneficiary designated by the member under Section 14180, the following applicable survivor allowance

under the conditions stated and from contributions of the state:

(1) A widow, or a widower receiving at least one-half of his support from the member at the time of the member's death, and with respect to both widow and widower, who was married to such member prior to the occurrence of the injury or onset of the illness which resulted in death, and has the care of unmarried children, including dependent stepchildren, of the deceased member under 18 years of age or so incapacitated, shall be paid one hundred eighty dollars ($180) per month if there is one such child, or two hundred fifty dollars ($250) per month if there are two or more such children.

If there also are such children who are not in the care of the surviving spouse, the portion of the allowance payable under this subdivision, assuming that these children were in the care of the surviving spouse, which is in excess of ninety dollars ($90) per month, shall be divided equally among all such other children, as the case may be.

(2) If there is no such surviving spouse, or if such surviving spouse dies or remarries and if there are unmarried children, including dependent stepchildren, of the deceased member under 18 years of age or so incapacitated, or if there are such children not in the care of the surviving spouse, such children shall be paid an allowance as follows:

(a) If there is one child, he shall be paid ninety dollars ($90) per month;

(b) If there are two children, they shall be paid one hundred eighty dollars ($180) per month, divided equally between them; and

(c) If there are three or more children, they shall be paid two hundred fifty dollars ($250) per month divided equally among them.

(3) A widow who has attained or attains the age of 62 years, or a widower who has attained or attains the age of 65 years and was receiving at least one-half of his support from the deceased member at the time of the member's death, and with respect to both widow and widower, who was married to such member prior to the occurrence of the injury or onset of the illness which resulted in death, and has not remarried subsequent to the member's death, shall be paid ninety dollars ($90) per month. No allowance shall be paid under this paragraph while the surviving spouse is receiving an allowance under paragraph (1) of subdivision (d) of this section, or while an allowance is being paid under subparagraph (c) of paragraph (2) of subdivision (d) of this section. The allowance paid under this paragraph shall be seventy dollars ($70) per month while an allowance is being paid under subparagraph (b) of paragraph (2) of subdivision (d) of this section.

(4) If there is no spouse, or children who qualify for a survivor allowance or if such spouse dies or remarries, or if

such children reach age 18 or die or marry prior thereto, or cease to be disabled after reaching such age, each of the member's dependent mother and father who has attained, or attains the age of 62 or 65, respectively, and who received at least one-half of his support from the member at the time of the member's death shall be paid ninety dollars ($90) per month.

14187. Survivor allowances shall be paid from accumulated contributions and interest in the Permanent Fund which are not required for the future payment of annuities, refunds and death benefits.

14188. Survivor allowances shall begin to accrue on the day next following the date of death of the member, or upon the attainment of minimum qualification age, as the case may be, and payments to a surviving spouse or surviving parent, shall continue only until death or remarriage, and to or on account of children, with respect to each child, only until the attainment of age 18 or prior death or marriage or cessation of disability after attainment of such age.

14189. There shall be deducted from the survivor allowance the portion of any survivor allowance provided under a local system, including for this purpose, the portion of any survivor allowance payable under the old-age survivors, disability and health insurance provided by the Federal Social Security Act, and which is provided from contributions of the district operating such local system:

(a) Which is in addition to the portion of such survivor allowance under the local system which is provided by the member's accumulated contributions, and

(b) Which also is in addition to any allowance under any option under the local system elected by the member, according to which his allowance is reduced, and an allowance actuarially equivalent to such reduction is provided for his beneficiary.

14190. A person is not entitled to receive a survivor allowance on account of the death of any member of this system if that person is entitled to receive a similar allowance from the Public Employees' Retirement System.

14191. A dependent parent of a deceased member is not entitled to survivors allowances from this system if at the member's death there were children of the deceased member entitled to receive survivors allowances or similar benefits from the Public Employees' Retirement System.

14192. If, during any calendar year, a surviving spouse or parent to and on account of whom a survivor allowance is payable, earns at least two thousand four hundred dollars ($2,400), or at least two hundred dollars ($200) multiplied by the months, if less than 12, of a calendar year during which such allowance is payable, the allowance thereafter during that year, shall be withheld and not paid the same as if never payable, for any month during which such person there-

after during that year, earns at least two hundred dollars ($200).

If the survivor allowance to a widow, or dependent widower, is reduced under this section the benefit payable on account of surviving children shall be paid in amounts provided by paragraph (2) of Section 14186 as follows:

(a) If there is one child, he shall be paid ninety dollars ($90) per month;

(b) If there are two children, they shall be paid one hundred eighty dollars ($180) per month divided equally between them;

(c) If there are three or more children, they shall be paid two hundred fifty dollars ($250) per month divided equally between them.

14193. Upon the death before retirement of a member who is qualified for service retirement under subdivision (a) of Section 14211, and on account of whose death the benefit provided by Section 14180 is otherwise payable, or who could have qualified for service retirement under subdivision (b) of Section 14211 at the time of his death, a monthly allowance equal to one-half of the monthly retirement allowance prior to modification under options in Section 14280, which the member would have been entitled to receive if he had retired for service on the date of his death, shall be payable:

(a) To the member's widow, or to the member's widower who was receiving at least one-half of his support from the member at the time of the member's death, and with respect to both widow and widower, who was married to such member prior to the occurrence of the injury or onset of the illness which resulted in death provided such widow or widower does not qualify for an allowance under Section 14284; or, (b) if there is no qualifying surviving spouse, or if such spouse dies or remarries, to unmarried children, including dependent stepchildren, of the member, who are under 18 years of age.

The allowances payable under this section are in lieu of the death benefit provided by Section 14070 or by Section 14180, except for the accumulated annuity deposits and accumulated shelter contributions included therein, but a person qualifying for the allowance or such person's guardian may elect, before the first payment on account of it, to receive such death benefit in lieu of the allowance. The member's accumulated annuity deposits and accumulated shelter contributions shall be paid to the person qualifying for the allowance, and the remainder of the accumulated contributions of the member shall be applied toward providing the allowance, and the balance not so provided shall be payable from state contributions.

If the guardian of one or more children otherwise eligible to receive the allowance elects that such death benefit be paid in lieu thereof, there shall be paid to each such child an amount equal to what the child would have received as an allowance hereunder had the election not been made (disregarding in-

terest and the probability of death or marriage), and under the assumption that each monthly allowance would have been divided equally among such unmarried children then under age 18, such amounts to be reduced proportionately if their total would otherwise be in excess of the amount of such death benefit. Any balance of such death benefit remaining after such payments have been made shall be paid to the surviving spouse of the member, or if none, to the surviving children of the member, share and share alike.

14194. The allowance provided by Section 14193 shall begin to accrue on the day next following the date of death of the member, and payments to a surviving spouse shall continue only until death or remarriage, and to or on account of children with respect to each child, until the attainment of age 18 or prior marriage.

14195. If payment of the allowance provided by Section 14193 is stopped because of remarriage of the surviving spouse, or the attainment of the age of 18 years by a child, before the sum of the monthly payments made, equals the death benefit provided by Section 14180, exclusive of accumulated annuity deposits and shelter contributions, a lump sum equal to the difference shall be paid to the remarried spouse, or if there is no such spouse, to the surviving children of the member, share and share alike.

14196. From the monthly allowance payable under Section 14193, there shall be deducted a total amount equal to that portion of the benefit payable on account of the death by a local system, which is provided from contributions of the district operating the system, and is in addition to the portion of the benefit payable by the local system which is made up of the accumulated contributions of the member, and no monthly allowance shall be paid under this section until the total amount deducted equals the portion provided by district contributions.

14197. If the member, on account of whose death an allowance is payable under Section 14193 was a member of a local system, his surviving spouse who is eligible to receive the allowance, or, if none, the guardian of his children under 18 years of age shall have the right to elect to deposit in the Retirement Annuity Fund, an amount equal to that which the member would have had the right to deposit if he had retired for service and then had ceased to be entitled to benefits from the local system on the day of his death.

In the event that such deposit is made within 90 days after the date a notice of the right to make such deposit is mailed to the person having the right to make the deposit, the monthly retirement allowance prior to optional modification, which the member would have been entitled to receive if he had retired for service on the date of his death, shall be calculated as if he had ceased to be entitled to retirement benefits from the local system, and had deposited such contributions. Any

amount so deposited shall be included as having been made by the member, in determining the death benefit provided by Section 14180.

If such deposit is not made the allowance shall be calculated as if the member had not deposited such contributions.

Article 20. Retirement—General Provisions

14210. Retirement shall become effective and the retirement allowance shall begin to accrue upon the date designated by the person as the effective date of retirement, or upon the day following the last day of service for which salary is payable to the person, whichever is later.

In no event shall the retirement become effective or retirement allowance begin to accrue earlier than the first day of the month in which the application is received at the office of the board, in Sacramento, or earlier than the date upon and continuously after which he is determined to the satisfaction of the board to have been mentally incompetent.

14211. Any member who comes within any of the following descriptions may be retired for service at his option upon written application therefor to the board:

(a) Who has attained age 55 years or more and who has served for at least five years in this state, if five of the final six years of service have been in this state.

(b) Who is credited with service which is not used as a basis for benefits under any other public retirement system, except a local system, provided he retires after June 30, 1953, and retires concurrently under the Public Employees' Retirement System as a state member of that system, or as an employee of a local school district or of a superintendent, or under the retirement system of the University of California.

In the calculation of allowances of members who qualify for retirement under subdivision (b) of this section, and who are not qualified for retirement under subdivision (a) of this section, there shall be excluded any service rendered in other states of the United States, its territories and possessions or in the Dominion of Canada.

Application for retirement under subdivision (b) may be made at any time, and such applicants are not subject to the provisions of Section 14218.

14212. In determining qualification for retirement, a year of service shall be credited for each year during which the member was employed throughout the year on a part-time basis and was engaged in his duties the full amount of time he was required by his employment to be so engaged. Credit for fractional years shall be granted to the extent of the fraction derived by dividing the time during which the member was engaged in his duties within the year, by the time he was required by his employment to be so engaged.

14213. A member may be retired for disability only if he:

(a) Is credited with five or more years of service, the last five of which have been served in this state, or

(b) Is credited with service rendered in this state and is being retired concurrently under the Public Employees' Retirement System as a state member thereof, or under a retirement system of the University of California, or

(c) Has attained the age at which classification of persons as permanent employees of school districts ceases, and is credited with five or more years of service, the last four of which have been served in this state.

A member qualifying under subdivision (c) shall be deemed to be incapacitated for further service and he shall be retired upon his application.

14214. Any member who is qualified for retirement for disability and who is physically or mentally incapacitated for further service may be retired for disability by the retirement board upon his application, or upon the application of his employer, if the retirement board determines, on the basis of competent medical opinion secured by it, that the incapacity is of a permanent or of an extended and uncertain duration, and such application is made:

(a) While the member is employed in a status requisite for membership in this system and is receiving compensation because of such employment, or

(b) While he is serving in the active military service of the United States, or in any other service stated in Section 13994 provided that time in such service will qualify for credit as service under this system, or

(c) While he is physically or mentally incapacitated for performance of his duty and such incapacity has been continuous from the last day for which compensation was paid to him, or

(d) While he is on a leave of absence without compensation, granted for reason other than serving in services included in subdivision (b) of this section, or mental or physical incapacity for performance of his duty, and within 18 months after the last day of employment for which compensation was paid, or

(e) When he is retired concurrently under the Public Employees' Retirement System as a state member thereof, or under a retirement system of the University of California, or

(f) Within four months after the termination of the member's employment in a status requisite for membership in this retirement system provided, first, that such application was not made under the provisions of subdivision (b) or (c), and, second, that such application was not made more than 18 months after the last day for which compensation was paid to him.

14215. If, prior to attaining the age of 55 years, a person who is entitled to receive a retirement allowance because of his retirement for disability, engages in a gainful occupation not in a status requisite for membership in the retirement sys-

tem, the board shall reduce the portion of his monthly retirement allowance which is not provided by his accumulated contributions, to an amount, which when added to the compensation earned monthly by him, does not exceed the amount of the compensation which would be earnable by a person holding the same or an equal position as or to that which he held at the time of his retirement, and in the same salary step or rating, or if no such position then exists such compensation earnable immediately prior to its abolition.

If his earnings are further altered, the board shall further alter such portion of his retirement allowance to the lower of the following amounts:

(a) The amount of such portion of his retirement allowance as it would be if not reduced under this section.

(b) An amount which, when added to the compensation earned by him, equals the amount of the compensation which would be earnable by a person holding the same or an equal position as or to that which he held at the time of his retirement, and in the same salary step or rating, or if no such position then exists, such compensation earnable immediately prior to its abolition.

For purposes of this section the retirement allowance subject to adjustment is the unmodified allowance irrespective of the option elected.

When he attains the age of 55 years, his retirement allowance shall be made equal to the amount it would be if not reduced under this section, and may not again be modified under this section.

14216. Every application for retirement shall state the date on which the member desires to retire.

Such application shall be executed within a period of time as prescribed by the board.

14217. Failure of a member to complete the documents required for retirement, within 180 days after receipt of the application for retirement in the office of the board in Sacramento, makes the application null and void.

14218. If the last day of a member's service was rendered prior to July 1, 1935, he shall have the right to make application for retirement, only after rendering additional service in a status requisite for membership in this system, of not less than two years, after June 30, 1950.

14219. Notwithstanding the provisions of Section 14218 a member has 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.

14220. The board may require any retirant retired for disability who has not attained the age of 58 years, to undergo

a medical examination. If the examination, together with other available information, shows to the satisfaction of the board that he is no longer disabled, his retirement allowance shall cease, and he shall be reinstated to membership in the system.

14221. Unless specifically provided to the contrary, no person retired for service shall accept employment in a status requisite for membership in the system, or in any teaching capacity in a public school, within two years after the effective date of retirement. In no event shall a person accept such employment until after notifying the board at its office in Sacramento, and if retirement is for disability, until the board has determined by medical examination that he is no longer disabled. If any person fails to comply with these requirements the employment shall be invalid.

14222. If any person retired pursuant to this article is reemployed in a status requisite to membership in the system or in any teaching capacity in a public school, or if any person retired for disability ceases to be incapacitated, his retirement allowance shall cease, and he shall be reinstated to membership in the system.

14223. Upon cancellation of the retirement allowance, the person's individual account shall be credited with amounts which are the actuarial equivalents, at that time, as based on a disabled life, where retirement had been for disability, or on an active life where retirement had been for service of the annuities being paid from the respective fund at the date of reinstatement, not to exceed the amount of his accumulated contributions as they were at the date of retirement.

The person's account shall be credited with the Permanent Fund contributions, whether made by him prior to or after retirement with respect to service rendered prior to July 1, 1944.

14224. If the person reenters service, his rate of contribution to the Retirement Annuity Fund shall be the rate applicable at his then attained age.

14225. Any retirant who retired for service, whose last employment as a member of the system prior to such retirement was in a state college, may, without reinstatement from retirement of any loss or interruption of benefits under this part, serve as a member of the teaching staff of a state college provided that such service does not exceed 90 teaching days in any one fiscal year, and the compensation payable to such persons for such service does not exceed three thousand dollars ($3,000) in that fiscal year.

14226. Any retirant who retired for service may be employed as a substitute in a position requiring certification qualifications, or as a teacher who provides remedial instruction, or as a home teacher, or as a hospital teacher, or as a curriculum writer or consultant in a field in which he is specially qualified, or as a teacher in a resthome for the aged, or in a community center, or pursuant to Section 25558 or

25804 as a substitute in a position requiring certification qualifications at the California School for the Deaf or the California School for the Blind, and may be paid not more than two thousand five hundred dollars ($2,500) in any one fiscal year.

Such employment does not operate to reinstate the retirant as a member of this system, or to terminate or suspend his retirement allowance, and no deductions shall be made from his salary as contributions to this system. Such person may be reemployed only if able to pass a physical examination prescribed by the Board of Education.

A certificate from a physician or surgeon licensed under Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code showing that he has submitted to and passed a physical examination within the immediately preceding 12-month period and filed with the county superintendent, or, in the case of a person to be employed as a substitute in a position requiring certification qualifications at the California School for the Deaf or the California School for the Blind, filed with the State Department of Education, shall be conclusive evidence of his passing the physical examination required by this section.

Article 21. Benefits for Service Retirement

14240. Upon retirement for service, a member shall receive a retirement allowance which shall consist of:

(a) A monthly retirement salary derived from the Permanent Fund, equal to the fraction of an amount which bears the same ratio to fifty dollars ($50) as the number of years of service credited, not to exceed 30 years, bears to 30 years, set forth in Section 14246, opposite his age at retirement, taken to the preceding completed quarter year, in the column applicable to his sex, and

(b) A retirement annuity derived from the Retirement Annuity Fund based upon the number of years of service credited to him, less any service for which he is entitled to receive retirement benefits under a local retirement system, computed pursuant to Section 14245, and

(c) An annuity which shall be the actuarial equivalent of the accumulated annuity deposits standing to the credit of his individual account at the time of his retirement, and

(d) A "shelter annuity" which shall be the actuarial equivalent of the accumulated shelter contributions standing to the credit of his individual account at the time of his retirement.

Such retirement allowance, prior to modification under options in Section 14280, and exclusive of the annuities derived from accumulated annuity deposits, and accumulated shelter contributions, shall be at least an amount, by increase in the annuity under the Retirement Annuity Fund which,

when added to the retirement allowance, prior to optional modification, the person is entitled to receive from a local system, shall equal the retirement allowance prior to optional modification, to which the person would be entitled under this system if he were not entitled to any allowance from a local system, minus one-half the retirement annuity on account of service rendered after June 30, 1944, to which the person would be so entitled, but for which he did not make annuity contributions. However, no amount shall be paid under this paragraph to any retired person who has the right to receive a retirement allowance from a local system upon his subsequent attainment of a minimum age after the retired person attains that minimum age unless he affirmatively exercises his right to receive the retirement allowance from the local system, and if such a retired person exercises his right, only if some amount is then payable under this paragraph.

14241. Any person who is credited with 30 or more years of service shall receive an allowance of at least fifty dollars ($50) per month if at least one-half of his credited service was rendered prior to July 1, 1956.

This section applies to persons whose retirement becomes effective on and after July 1, 1956.

14242. For the purpose of calculating retirement allowances, credit for service rendered between June 30, 1956, and July 1, 1968, on a part-time basis in each school year shall be based on the ratio that service rendered bears to the minimum full-time service required for credit for a year of service.

14243. If a retirant is at least 60 years of age at the time of retirement, the amount of the retirement allowance provided by subdivisions (a) and (b) of Section 14240, when added to the unmodified allowance from a local system shall be at least eighty dollars ($80) per year, multiplied by the number of the retirant's years of service, up to 40.

If the retirant is less than 60 years of age at the time of retirement, the amount of the minimum retirement allowance is the allowance provided herein multiplied by the fraction in Section 14246 applicable to the retirant.

No such minimum retirement allowance may exceed 75 percent of the final compensation of the retirant.

14244. If a retirant reenters the system as a member and subsequently retires, the minimum retirement allowance is the allowance provided by Section 14243 multiplied by the fraction in Section 14246 applicable to the member. The total time spent as a retirant shall be deducted from the member's age for purposes of determining the fraction applicable to him.

No such minimum retirement allowance may exceed 75 percent of the final compensation of the retirant.

14245. Upon retirement for service a member shall receive an annual annuity, sufficient when added to the portion of

the retirement salary computed pursuant to Section 14240 or 14241, on the basis of his service for which he is not entitled to receive benefits from a local retirement system, but excluding his service for which he has not deposited contributions in the Retirement Annuity Fund following a change in membership status, pursuant to Article 29 (commencing with Section 14440) of this chapter, to equal the fraction of one-sixtieth (1/60th) of his final compensation, set forth opposite his age at retirement, in Section 14246 taken to the preceding completed quarter year, in the column applicable to his sex, multiplied by the number of years of his credited service not counting any service for which the member is entitled to retirement benefits from a local retirement system:

14246.

Age at retirement	Fractions	
	Male	Female
55	.7204654	.7315714
55¼	.7322331	.7429405
55½	.7440008	.7543096
55¾	.7557684	.7656786
56	.7675361	.7770477
56¼	.7802948	.7893442
56½	.7930536	.8016408
56¾	.8058124	.8139373
57	.8185711	.8262338
57¼	.8324207	.8395390
57½	.8462704	.8528441
57¾	.8601200	.8661492
58	.8739696	.8794544
58¼	.8890390	.8938934
58½	.9041084	.9083324
58¾	.9191777	.9227715
59	.9342471	.9372105
59¼	.9506853	.9529079
59½	.9671236	.9686052
59¾	.9835618	.9843026
60	1.0000000	1.0000000
60¼	1.0163636	1.0159559
60½	1.0327273	1.0319118
60¾	1.0490910	1.0478676
61	1.0654546	1.0638235
61¼	1.0827937	1.0807224
61½	1.1001328	1.0976214
61¾	1.1174718	1.1145204
62	1.1348109	1.1314193
62¼	1.1532771	1.1493466
62½	1.1717434	1.1672739
62¾	1.1902096	1.1852012
63	1.2086758	1.2031285
63¼	1.2283728	1.2222310

Age at retirement	Fractions Male	Female
63½	1.2480698	1.2413334
63¾	1.2677668	1.2604359
64	1.2874638	1.2795384
64¼	1.3086036	1.2999470
64½	1.3297434	1.3203557
64¾	1.3508832	1.3407644
65 and over	1.3720230	1.3611730

The fractions herein set forth at ages other than sixty (60) are based on the interest rate and mortality tables used under the system on July 1, 1962, and shall be adjusted by the board in accordance with such interest rate and mortality tables as the board may adopt.

Article 22. Benefits for Disability Retirement

14260. Upon retirement for disability, a member shall receive a retirement allowance which shall consist of:

(a) A retirement salary derived from the Permanent Fund, payable monthly equal to the retirement salary calculated under subdivision (a) of Section 14240 if the member has attained the age of 60 years at the effective date of his retirement; or if the member has not attained such age, a retirement salary payable monthly equal to ninety percent (90%) of an amount which bears the same ratio to fifty dollars ($50) as the number of years of service credited, not to exceed thirty (30) years, bears to 30 years, and

(b) A disability annuity, derived from the Retirement Annuity Fund, computed pursuant to Section 14262, and

(c) An annuity which shall be the actuarial equivalent of the accumulated annuity deposits standing to the credit of his individual account at the time of his retirement, and

(d) A shelter annuity which shall be the actuarial equivalent of the accumulated shelter contributions standing to the credit of his individual account at the time of his retirement.

Such retirement allowance, prior to modification under options in Section 14280, and exclusive of the annuities referred to in subdivisions (c) and (d) of this section, shall be at least an amount, by increase in the annuity under the Retirement Annuity Fund, which, when added to the retirement allowance, prior to optional modification, the person is entitled to receive from a local system, shall equal the retirement allowance, prior to option modification, to which the person would be entitled under this system if he were not entitled to any allowance from a local system, minus one-half the retirement annuity on account of service rendered after June 30, 1944, to which the person would be so entitled, but for which he

did not make annuity contributions. However, no amount shall be paid under this section to any retired person who has the right to receive a retirement allowance from a local system upon his subsequent attainment of a minimum age after the retired person attains that minimum age unless he affirmatively exercises his right to receive the retirement allowance from the local system, and if such a retired person does so exercise his right, only if some amount is then payable under this paragraph.

14261. Upon retirement for disability, a retirant who has attained age 60 at the effective date of retirement shall receive a disability annuity, derived from the Retirement Annuity Fund equal to the annuity provided by Section 14245.

14262. Upon retirement for disability a retirant who has not attained age 60 at the effective date of retirement shall receive a disability annuity from the Retirement Annuity Fund equal to:

(1) Ninety percent (90%) of the sum of the annuity payable to him under Section 14245 at the age of 60 years, on the basis of his final compensation at retirement, and service rendered up to the effective date of his retirement, or

(2) If he is entitled to be credited with at least 10 years of service in this state, and the resulting disability retirement allowance does not exceed one-fourth of his final compensation, ninety percent (90%) of the sum of the annuity payable to him under Section 14245 at the age of 60 years, on the basis of his final compensation at retirement, and the service which would be creditable to him were his service to continue until he reaches age 60.

If he is entitled to receive a retirement allowance from another retirement system to which the state or university contributes, the amount of such allowance shall be deducted from the amount otherwise payable under subdivision (2) except that such reduced amount shall not be less than the amount payable under subdivision (1).

14263. In no event shall the disability annuities under Section 14262 be more than sufficient to make the disability retirement allowance, exclusive of any annuities provided by accumulated annuity deposits and accumulated shelter contributions, exceed the service retirement allowance, exclusive of any annuities purchased by accumulated annuity deposits and accumulated shelter contributions receivable by the member should he continue until retirement at age 60.

14263.5. The retirement allowance under Section 14260, exclusive of the annuities in subdivisions (c) and (d) of that section, when added to the unmodified allowance from a local system shall be at least 90 percent of minimum allowance provided by Section 14243 upon retirement at age 60, or if the fraction applicable in that section for a retirant less than age 60 is greater than 90 percent, the service retirement fraction shall apply.

No such minimum retirement allowance may exceed 75 percent of the final compensation of the retirant.

14264. In no event shall the retirement allowance for disability, exclusive of any annuity provided by accumulated annuity deposits and accumulated shelter contributions, be less than the amount of the service retirement allowance, exclusive of any annuity purchased by accumulated annuity deposits and accumulated shelter contributions, which the retiring member would have received if he had retired for service instead of disability.

Article 23. Options

14280. Before the warrant for his first retirement allowance is mailed, any member may elect to receive the actuarial equivalent of the retirement allowance payable throughout life with the provision that:

Option 1. If he dies before he has received in payments provided by his total contributions (which for the purposes of this section, shall include only his accumulated annuity contributions, his accumulated annuity deposits, his accumulated shelter contributions and his Permanent Fund contributions based on service after June 30, 1944, and interest credited thereon), the amount of such total contributions as it was at the time of his retirement, the balance of such total contributions shall be paid to his estate or to such person as he has nominated by written designation duly executed and filed with the board; or

Option 2. Upon his death his reduced retirement allowance shall be continued throughout the life of and paid to such person as he has nominated by written designation duly executed and filed with the board at the time of his election; or

Option 3. Upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of, and paid to such person as he has nominated by written designation duly executed and filed with the board at the time of his election.

An election made under this section may be revoked or changed by him at any time prior to the mailing of the warrant for his first retirement allowance.

14281. If any person dies after the effective date of his retirement, and within 30 days from the date upon which the election or changed election is received in the office of the system at Sacramento, then the election shall be void and of no effect, and he shall be considered as an active member at the time of death.

If, however, the death occurs before the changed election is effective under this section, the prior election will be considered as valid if it was filed in the retirement office at least 30 days prior to the death.

14282. If any person who has elected option 1 dies after the effective date of his retirement and before the mailing of the warrant for his first retirement allowance, then the election shall be void and of no effect, and he shall be considered as an active member at the time of death, irrespective of whether or not the 30-day period had elapsed before his death.

14283. If any person who elected option 2 or 3 dies after the effective date of his retirement and after the 30-day period had elapsed, then the election of the option shall be in full force and effect.

14284. Any member who has qualified for service retirement under Section 14211 may elect, as provided in Section 14280, and without right of revocation or change after approval of the election by the retirement board, to receive the actuarial equivalent as of the date of his retirement, of the retirement allowance payable to him when and if he retires for service or disability in a reduced retirement allowance according to the provisions of either option 2 or option 3 as stated in Section 14280. If such a member at the time of making the election has a living spouse who would qualify for an allowance under Section 14193, the election under this section shall be invalid and of no effect unless and until the consent of such spouse to it is filed at the office of the retirement system in Sacramento, California. If the death of such member occurs within 30 days after the date upon which the election is received in the office of the system in Sacramento, California, then the election shall be void and of no effect and he shall be considered as an active member at the time of death.

Upon such member's death at least 30 days after the date upon which the election is received in the office of the system in Sacramento, California, and prior to the effective date of his retirement, the person who was nominated by him under the option he elected and who survives him, shall receive an allowance calculated under such option, upon the assumption that such member retired for service on the date of his death and died immediately thereafter. The payment of such allowance to such person shall be in lieu of both the death benefit provided by Section 14070 or Section 14180 and the allowance provided by Section 14193, and no death benefit or such allowance shall be paid on account of such death to any person or beneficiary, regardless of whether the person nominated under the option elected, survives the member.

If such member subsequently retires for service or disability, he shall receive, regardless of whether the person nominated by him under the option elected is then living, a reduced allowance according to the provisions of Section 14280 and the option elected, and he shall be subject to Section 14281.

The amount of the allowance prior to optional modification shall be calculated on the basis of the member's age at death

before retirement, or at retirement, as the case may be, but the reduction of such allowance under the option elected shall be based on the ages of such member and the person nominated by him under such option, at the effective date of such election.

14285. If the member, on account of whose death an allowance is payable under Section 14284 was a member of a local system, the person who was designated by him under Section 14284 shall have the right to elect to deposit in the Retirement Annuity Fund, an amount equal to that which the member would have had the right to deposit if he had retired for service and then had ceased to be entitled to benefits from the local system on the day of his death.

In the event that such deposit is made within 90 days after the date a notice of the right to make such deposit is mailed to the person having the right to make the deposit, the monthly retirement allowance prior to optional modification, which the member would have been entitled to receive if he had retired for service on the date of his death, shall be calculated as if he had ceased to be entitled to retirement benefits from the local system, and had deposited such contributions.

If such deposit is not made the allowance shall be calculated as if the member had not deposited such contributions.

Article 24. Multiple Retirements—Disability Then Service

14300. This article applies to a person who had been retired for disability, thereafter reentered membership in the system and subsequently retires for service.

14301. A retirant under this article shall receive an annuity based upon his credited service and salary from the date of reentry to the date of his subsequent retirement and calculated under Section 14240.

14302. If less than one year of credited service is rendered after last reentry, a retirant under this article shall also receive annuities equal to the annuities he received prior to his last reentry, adjusted according to any change in the provisions governing the calculation of retirement allowances made after such reentry and applicable to allowances being paid at the date of the change, or, if less, annuities based on the same salary and service which were the basis of the annuities he received immediately before reentry but calculated under Section 14240 on the basis of an age, taken to the preceding completed quarter year, and determined by deducting from his age at his subsequent retirement, the aggregate time during which he was retired.

14303. If one or more years of credited service are rendered after last reentry, a retirant under this article shall also receive annuities based on the same salary and service as that upon which the annuities he receives immediately before reentry were based, but calculated under Section 14240 on the basis of an age, taken to the preceding com-

pleted quarter year, and determined by deducting from his age at his subsequent retirement, the aggregate time during which he was under retirement, except that such adjusted age shall not be less than 55.

If the member renders five years of credited service after his last reentry into membership, the salary earnable by him after his reentry shall be used in the calculation of benefits due for service rendered prior to such reentry into membership.

14303.5. A retirant under this article shall receive a retirement salary based upon his credited service from the date of reentry into the system to the date of his subsequent retirement, and calculated under Article 21 (commencing with Section 14240).

14304. If less than one year of credited service is rendered after last reentry, a retirant under this article shall also receive a retirement salary equal to the retirement salary he received immediately before reentry, adjusted according to any change in the provisions governing the calculation of retirement allowances made after such reentry and applicable to allowances being paid at the date of the change, or, if less, a retirement salary based on the same service which was the basis of the retirement salary he received immediately before reentry but calculated under Section 14240 on the basis of an age, taken to the preceding completed quarter year, and determined by deducting from his age at his subsequent retirement, the aggregate time during which he was under retirement.

14305. If one or more years of credited service is rendered after last reentry, a retirant under this article shall receive the retirement salary based on the same service as that upon which the retirement salary he received immediately before reentry was based, but calculated under Section 14240 on the basis of an age, taken to the preceding completed quarter year, and determined by deducting from his age at his subsequent retirement, the aggregate time during which he was under retirement. Such adjusted age may not be less than 55.

Article 25. Multiple Retirements—Other

14310. This article applies to a person who had been retired, thereafter reenters membership in the system, and subsequently retires and

(a) The previous and subsequent retirements were all for service or all for disability, or

(b) The previous retirement was for service and the subsequent is for disability.

14311. A retirant under this article shall receive an annuity based upon his salary earned in service from the date of reentry into the system to the date of his subsequent retirement and calculated under Article 21 (commencing with

Section 14240), or Article 22 (commencing with Section 14260), whichever is applicable.

14312. If less than one year of credited service is rendered after reentry, a retirant under this article shall also receive annuities equal to the annuities he received immediately before his reentry into membership, adjusted according to any change in the provisions governing the calculation of retirement allowances made after the reentry and applicable to allowances being paid at the date of the change.

14313. If one or more years of credited service is rendered after last reentry is rendered, a retirant under this article shall also receive annuities based on the same salary and service as that upon which the annuities he received immediately before his last reentry were based, but calculated under Article 21 (commencing with Section 14240) or Article 22 (commencing with Section 14260), whichever is applicable, on the basis of an age, taken to the preceding completed quarter year, and determined by deducting from his age at his subsequent retirement, the aggregate time during which he was under retirement. If the subsequent retirement is for disability such adjusted age shall not be less than the age at which the member would have received 90 percent of the benefit payable for retirement at age 60 if the retirement had been for service.

If the member renders five years of credited service after his last reentry into membership, the compensation earnable by him after his last reentry shall be used in the calculation of benefits due for service rendered prior to such reentry into membership.

14314. A retirant under this article shall receive a retirement salary based upon his credited service from the date of reentry into the system to the date of his subsequent retirement, and calculated under Article 21 (commencing with Section 14240) or Article 22 (commencing with Section 14260), whichever is applicable.

14315. If less than one year of credited service is rendered after his last reentry, a retirant under this article shall also receive a retirement salary equal to the retirement salary he received immediately before his last reentry into membership, adjusted according to any change in the provisions governing the calculation of retirement allowances made after the reentry and applicable to allowances being paid at the date of the change.

14316. If one or more years of credited service is rendered after his reentry, a retirant under this article shall receive a retirement salary based on the same service as that upon which the retirement salary he received immediately before reentry was based, but calculated under Article 21 (commencing with Section 14240) or Article 22 (commencing with Section 14260), whichever is applicable, on the basis of an age, taken to the preceding completed quarter year, and determined

by deducting from his age at his second retirement, the aggregate time during which he was under retirement.

Article 26. Increases in Retirement Benefits

14330. Monthly allowances payable by the system to a retirant or his beneficiary commencing on July 1, 1967, are increased by the amount set forth in this article.

14331. This article applies to allowances payable to the survivor of a deceased person under the provisions of Sections 14193, 14280, and 14284, but not those payable under Section 14186.

14332. The increase is an amount derived by applying the percentage set forth in the following table opposite the period during which the retirement was effective, to so much of the allowance which otherwise would be payable for such time, excluding any annuity provided by accumulated annuity deposits or accumulated shelter contributions and prior to any modification under an option, which does not exceed three hundred dollars ($300):

Period during which retirement became effective	Percentage of increase in monthly allowance
1. Prior to and including July 1, 1956	23
2. 12 months ending on July 1, 1957	19
3. 12 months ending on July 1, 1958	14
4. 12 months ending on July 1, 1959	13
5. 12 months ending on July 1, 1960	10
6. 12 months ending on July 1, 1961	9
7. 12 months ending on July 1, 1962	7
8. 12 months ending on July 1, 1963	6
9. 12 months ending on July 1, 1964	4
10. 12 months ending on July 1, 1965	2
11. After July 1, 1965	0

14333. If the retirant elected to receive his allowance under option two or three and if the beneficiary named by him under the option is living on July 1, 1967, then the increase is determined by applying the percentage to the modified allowance payable subject to the same limitation specified for the unmodified allowances.

14334. If the allowance payable on July 1, 1967, is due a beneficiary, the percentages shall be applied to so much of the monthly allowance payable on that date, excluding annuities from the Annuity Deposit Fund or from sheltered contributions, which does not exceed three hundred dollars ($300) and shall be based on the effective date of the member's retirement if the allowance is payable under Section 14280, or the date of the member's death if payable under Section 14193 or 14284.

14335. This article does not give any retirant, or his successors in interest, or his beneficiary, any claim against the system for any increase in any allowance paid or payable prior to July 1, 1967.

Article 27. Advances on Retirement Allowances

14370. Whenever the board determines that payments to a member who has applied for retirement cannot be made until after the first day of the month following that month for which such payments are due, the board may present claims for advances on retirement allowances which would normally be due a retirant of the system estimated on preliminary information in the possession of the board, and the State Controller shall draw warrants in payment of such claims.

14371. Any loss incurred in connection with an advance payment shall be a charge against the fund from which the payment was derived.

Such advances to an individual may not be made in excess of the amount of Permanent Fund contributions and accumulated Retirement Annuity Fund contributions credited to his account and shall be a lien on such contributions until otherwise accounted for.

14372. Upon the mailing of the first warrant drawn pursuant to this article the member shall be considered as a retirant, except for persons receiving advance payments under Section 14374, and subject to all of the provisions of this chapter which apply to such persons, except that any additional contributions required shall be due and payable when the system has mailed to the member a statement of the amount so due, and also except that any refund due the member shall be made not later than 90 days after termination of payments under this section.

14373. If any such advances are more or less than the correct amount due to the member, or beneficiary of the member receiving the advances, the difference between such correct amount and the advance shall be adjusted in subsequent payments to such retirant or beneficiary, or the State Controller may state an account with the member or beneficiary, pursuant to Government Code Section 12419.

14374. Whenever the board determines that payments to a member who has applied for retirement, and who has expressed an interest in an option but has not made his final election, cannot be made until after the first day of the month following that month for which such payments are due, the board may present claims for advances on retirement allowances which would normally be due a retired member of the system estimated on preliminary information in the possession of the board, and the State Controller shall draw warrants in payment of such claims.

If the member has expressed an interest in option 2 or option 3, the advance payment shall be in the amount of the monthly payment due on the assumption that the member had elected to modify his allowance under option 2.

14375. If a member receiving payments under this article has made an election of option 2 or option 3, and dies after

30 days from the date such election is received in the retirement office in Sacramento, the member shall be considered as a retirant on the date of death and his beneficiaries shall be entitled to the benefits provided in his chapter for payments ordinarily due on account of the death of a retirant.

In the event of the death of a person receiving payments under Section 14374 who has not made such an election of option 2 or 3 or if death occurs within 30 days from the date of filing such an election, the person shall be considered as an active member on the date of death and the benefits payable to beneficiaries, or to other persons as prescribed by law, shall be in the amounts which are ordinarily payable under Section 14180 upon the death of an active member.

14376. Warrants drawn pursuant to this article shall not be considered as warrants drawn in payment of retirement allowances pursuant to the provisions of Section 14280, and the member may make a final selection of an option following the mailing of warrants drawn pursuant to this article. If the member does not make his final election of an option within 30 days of the date of mailing by the board of a notice containing information on the prospective modified benefits as requested by the member, payments under this section shall be terminated.

Article 28. Procedures Concerning Payment

14390. The first and last payments of any monthly benefit due to or on account of any beneficiary may be made in smaller pro rata amounts if the benefits begin after the first day of the month or end before the last day of the month.

14391. Upon receipt of proof satisfactory to the board, that a warrant drawn in payment of a retirement allowance or in payment of any other account due from the system, has been lost, the Controller upon the request of the board shall issue a duplicate warrant in payment of the same amount, without requiring a bond from the payee, and any loss incurred in connection therewith shall be charged against the fund from which the payment was derived.

14392. Persons entitled to receive allowances under this system may authorize deductions to be made from such allowances, in accordance with regulations established by the board, for the payment of group insurance premiums or dues or other charges of any plan of health and welfare benefits, as defined in Section 53200 of the Government Code.

No deductions may be made for the payment of such premiums, dues or other charges under any such policy or plan, unless the active and retired persons enrolled under such policy or plan, total not less than 1,000 in number.

14392.5. Retirants and beneficiaries, who are entitled to receive allowances under the provisions of this chapter, may authorize deductions to be made from their retirement allowance payments, in accordance with regulations established by

the board for the payment of group life insurance premiums for a group life insurance plan approved by the Director of Finance.

14393. Payment pursuant to the board's determination in good faith of the existence, identity or other facts relating to entitlement of persons constitutes a complete discharge of and release of the system from liability for the benefit so paid.

14394. Any retirement allowance payable to a retirant, which has accrued and remains unpaid at the time of his death, shall be paid to:

(a) The beneficiary entitled to payment in accordance with an optional settlement chosen by the member, or

(b) The beneficiary entitled to receive the lump sum death benefit provided upon death of a retirant if the member has not chosen an optional settlement, or

(c) The estate of the retirant, if there is not a beneficiary entitled under either (a) or (b).

14395. Notwithstanding the provisions of Sections 161a and 172 of the Civil Code relating to community property interests, whenever payment or refund is made by this system to a member, former member, beneficiary of a member or estate of a member pursuant to any provision of this chapter, such payment shall fully discharge this system from all adverse claims thereto unless, before such payment or refund is made, this system has received at its office in Sacramento written notice by or on behalf of some other person that such person claims to be entitled to such payment or refund.

14396. Where the member or retirant and the beneficiary have died and there is no sufficient evidence that they have died otherwise than simultaneously the proceeds of any death benefit shall be distributed as if the member had survived the beneficiary.

14397. If any person entitled to a benefit from the system is a minor who has no guardian of his estate, the benefit, not to exceed two thousand dollars ($2,000), may be paid to the person entitled to the custody of the minor to hold for the minor, upon the written statement, duly acknowledged and verified, of the person that the total estate of the minor does not exceed two thousand five hundred dollars ($2,500) in value.

The payment shall constitute full discharge of any and all liabilities of the board and system.

The person shall account to the minor for the money when the minor reaches the age of majority.

14398. Whenever any warrant drawn in payment of contributions or accumulated contributions or benefits under this system remains unclaimed or the claimant cannot be found, the proceeds of such warrant shall be redeposited in the fund, and held for the claimant without further accumulation of interest, and such redeposit shall not operate to reinstate the membership of the claimant in this system.

The proceeds revert to and become a part of the contributions of the state for the respective year, and shall be applied to meet the liabilities of the state on account of which the contributions were made.

14399. The board may credit the proceeds of any unclaimed benefit due under this chapter directly to the contributions of the state for the respective year if it determines that the legal claimant to the benefit cannot be located. Any amount credited by the board under this authority shall be administered as provided in Section 14398.

14400. The provisions of Section 14399 apply to warrants drawn under this system and canceled by the Controller pursuant to Section 17070 of the Government Code, except that upon notice of cancellation, the proceeds revert to and become a part of the contributions of the state, for the respective year, and shall be applied to meet the liabilities of the state on account of which such contributions were made.

14401. The board may at any time, after reversion of proceeds to the state under Sections 14398, 14399 and 14400, and upon receipt of proper information satisfactory to it, return from state contributions, an amount equal to such proceeds, to the credit of the claimant to be administered in the manner provided under this system.

Article 29. Change in Membership Status

14440. If a member of this system who is or has been a member of another retirement system ceases to be entitled to retirement benefits from the other retirement system for any service rendered after July 1, 1944, which qualifies for credit under this system and for which he has not contributed to the Retirement Annuity Fund under Section 14026, but continues to be a member of this system, upon receipt of refund of his contributions to the other system, he may elect at any time prior to retirement to deposit in the Retirement Annuity Fund an amount equal to the contributions which he would have been required to make during such service if he had not then been a member of the other retirement system, with regular interest from the first of the year next following the date on which such contributions would have been payable to the first of the month following the date such election is received in the office of the system in Sacramento, California, with regular interest.

14441. Subject to minimum payments and time limits fixed by the board, the member may make the deposit of the amount in one or more sums.

If the deposit is not made within 30 days after the election to deposit is received in the office of the system in Sacramento, California, the member shall also pay interest on the unpaid portion of the amount at the same rate.

14442. Unless such deposit is made the member shall not be entitled to benefits from the Retirement Annuity Fund

based upon service rendered after July 1, 1944, for which he has not contributed to the Retirement Annuity Fund pursuant to Section 14026, and the minimum retirement allowance applicable to such member is the minimum allowance calculated as if the deposit were made, and then reduced by the amount of the annuity which would have been the actuarial equivalent of such deposit.

14443. If the member elects to make the deposit, his rate of annuity fund contributions with respect to service rendered after the first of the month in which the election is received in the office of the system in Sacramento is based on his age at the beginning of the service under the other retirement system after July 1, 1944, or on a lower age, as determined under this chapter, because of other credited service.

If the member does not make the election to deposit, his rate of annuity fund contributions shall be determined under this chapter.

14444. If a member elects to make the deposit and does not make it in accordance with rules established by the board, the election shall be canceled and his rate of annuity fund contributions shall be determined retroactively under this chapter and as it would have been had the election not been made.

In such case, any payments made under the election shall be refunded to the member after deducting any retirement annuity fund contributions due because of the adjustment in his rate.

14445. If a member, who has been an employee of a district which has paid employer contributions to the federal government under the Federal Social Security Act, ceases to be entitled to benefits under another retirement system, except social security, he may deposit contributions and interest as provided in Section 14440, and notwithstanding the provisions of Sections 14240 and 14245, the member is entitled to credit for service as a non-local-fund member. If the member deposits such contributions and interest his benefit under this chapter shall be reduced by an amount equal to the pro rata portion of one-half of his individual social security benefit calculated on the service on which such employer contributions were based.

14446. If a member of this system becomes entitled to retirement benefits from a local system for service, and has made contributions to the Retirement Annuity Fund based on salary paid for such service, the accumulated annuity contributions based on that salary shall be refunded to him.

14447. If a retirant ceases to be entitled to benefits from a local system, on account of which service was excluded in the calculation of his annuity, but who continues to be retired under this system, he is entitled to an annuity on account of such service. Such annuity shall be effective on the first day of the month in which he notifies the board at its office in Sacramento, if within 90 days after the effective date the retirant deposits in the Retirement Annuity Fund an amount equal to

the contributions which he would have been required to make to the fund during service rendered after June 30, 1944, if he had not then been a member of the local system, less the portion of the annuity which would have been payable prior to said date, and an amount equal to that which was not paid to the local district under Section 14122 or 14131 with interest on the balance of the contributions remaining, after deducting the portion as it would have been paid from month to month, from the first of the year next following the date on which such contribution would have been payable to the date the deposit is made at the current rate of interest credited to retirement fund contributions, the annuity shall be calculated with respect to all such service on the basis of the effective date of retirement of such person.

14448. If deposit of such contributions and interest is not made as provided in Section 14447, the annuity shall be calculated in the same manner, but including only such service rendered prior to July 1, 1944, and the minimum retirement allowance applicable to such member shall be the minimum allowance calculated as if the deposit were made, and then reduced by the amount of the annuity equaling the actuarial equivalent of such deposit.

14449. If a person, after retirement, becomes entitled to a benefit from a local retirement system, based on service which was included in the calculation of his annuity, the annuity shall be recalculated as of the effective date of the person's retirement, excluding such service, and the reduced retirement allowance shall be effective on the day the benefit under the local system began to accrue. Annuity contributions made on account of such service, plus interest and less the annuity paid to him on account of the contributions, shall be paid to him.

14450. If a person who deposits contributions to the Retirement Annuity Fund pursuant to Section 14447, elected either under such local system or under this system, but not under both, to have his retirement allowance modified according to an option under which he would receive a smaller allowance and provide a benefit for his beneficiary, such person has the right to change such election under the system provided the right is exercised not later than 60 days after such deposit.

Any computations of actuarial equivalents under a changed election shall be made as of the date of such change, and no adjustment shall be included in the computation on account of retirement allowance payments made prior to that date.

SEC. 3. It is the intent of the Legislature in enacting this act to reorganize and clarify the State Teachers' Retirement Law and thus facilitate its administration. It is not the intent of the Legislature to make any substantive change in the law. Thus, if, in the opinion of any court or administrative officer, a different result under any provision of the State Teachers' Retirement Law as it read on November 13, 1968

would obtain because of the enactment of this act, the provision as it read on November 13, 1968 shall be followed and the result shall be as it would have been on November 13, 1968. Further, it is the intent of the Legislature that no new rights vest in any member, retirant, or beneficiary as a result of the enactment of this act. No provision of this act may be interpreted to vest any such additional right. No dollar amount of any current or future benefit under this act shall be revised in any way because of the enactment of this act.

SEC. 4. Any section of a bill enacted at the 1969 Regular Session of the Legislature prior to the enactment of this act which amends, adds, or repeals a section of the State Teachers' Retirement Law (Chapter 4 (commencing with Section 13801) of Division 10 of the Education Code) shall prevail over this act.

CHAPTER 897

An act to add Section 25539 to the Government Code, relating to sale of county real property.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 25539 is added to the Government Code, to read:

25539. In any county the board of supervisors may prescribe by order a procedure alternative to that required by Sections 25526 to 25535 of this article with respect to the manner in which, and the location at which, any real property belonging to such county may be sold. Any alternative procedure so prescribed may require that the proposed sale of real property be conducted by a county officer, or his duly authorized representative, and that the proposed sale may be conducted on the property site. Any such alternative procedure shall provide that, except with respect to the person conducting the sale and the location at which the sale is to be conducted, all of the provisions of this article with respect to: (1) the adoption of a resolution of intention; (2) the giving of notice of the adoption of the resolution and the time and place of sale; (3) the examination of the proposals and the acceptance of the highest bid; (4) the procedure for calling for oral bids; and (5) the acceptance or rejection of bids, shall be applicable to the alternative procedure so prescribed and that any final acceptance of a bid by the person conducting the sale shall be subject to the approval of the board of supervisors by resolution authorizing and directing the execution of the deed as provided in Section 25535 of this article.

CHAPTER 898

An act to amend Section 31100 of the Water Code, relating to county water districts.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 31100 of the Water Code is amended to read:

31100. A district may acquire, construct, and operate facilities for the collection, treatment and disposal of sewage, waste and storm water of the district and its inhabitants and may contract with any public agency including but not limited to sanitation districts for sewer outfall facilities. A district also may acquire, construct, and operate facilities for the collection, treatment and disposal of sewage, waste and storm water of inhabitants outside its boundaries; provided that it shall not furnish any such service to the inhabitants of any other public agency without the consent of such other public agency expressed by resolution or ordinance. The term "public agency" as used in this section, shall include a city, county, city and county, public district, municipal or public corporation, state agency or other political subdivision of the state, but shall not include a public utility subject to the jurisdiction, control and regulation of the Public Utilities Commission under the provisions of Divisions 5 (commencing with Section 10001) and 6 (commencing with Section 11501) of the Public Utilities Code.

CHAPTER 899

An act relating to property taxes and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding any other provision of law, any veteran whose claim for the veterans' exemption is disallowed for the 1969–1970 fiscal year and who is otherwise qualified for the homeowners' property tax exemption may file for the homeowners' property tax exemption for such year on or before 5 p.m. on September 1, 1969.

SEC. 2. Notwithstanding any other provision of law, a person who was qualified for both the 1968 homeowners' property tax relief payment and the 1969 homeowners' property tax exemption in all respects except that he timely filed only one of the two applications in order to receive both the pay-

ment and the exemption, may file the second application on or before September 1, 1969. The names and addresses of persons who qualify for property tax relief payments pursuant to this section shall be certified by the assessor to the Controller on or before September 15, 1969, and the Controller, on or before October 1, 1969, shall draw his warrant in the amount of seventy dollars ($70) in favor of each authorized claimant on the assessor's list.

SEC. 3. The assessments of those persons who qualify for the homeowners' property tax exemption for the 1969–1970 fiscal year pursuant to this act shall be corrected by order of the board of supervisors upon certification by the assessor.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Many persons who were eligible for the seventy dollars ($70) homeowners' property tax rebate for the 1968–1969 fiscal year or for the homeowners' property tax exemption for the 1969–1970 fiscal year, but because of the new procedures or the fact they had filed for the veterans' exemption which they later were found to be ineligible for, were unable to meet the deadline for filing an application for the tax rebate or the homeowners' exemption. This act will remove the procedural bars to the filing of such application. In order that the public purpose expressed in the Constitution may be carried out it is necessary that this act go into immediate effect.

CHAPTER 900

An act relating to the filing of claims for the homeowners' property tax exemption, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding any other provision of law, any veteran whose claim for the veterans' exemption is disallowed for the 1969–1970 fiscal year and who is otherwise qualified for the homeowners' property tax exemption may file for the homeowners' property tax exemption for such year on or before 5 p.m. on September 1, 1969.

SEC. 2. The assessments of those persons who qualify for the homeowners' property tax exemption for the 1969–1970 fiscal year pursuant to this act shall be corrected by order of the board of supervisors upon certification by the assessor.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Some veterans failed to make a timely application for the homeowners' exemption for the 1969–1970 fiscal year, as they claimed the veterans' exemption for such year, but later learned that their homes had been reassessed and their claims for the veterans' exemption were disallowed. The Constitution excludes a veteran from claiming the homeowners' exemption only if a veteran's exemption has been "granted" on his property and does not intend that a person who has served in the armed forces of his country should be discriminated against by reason of delays in processing claims for exemptions which are filed during similar time periods. This act will remedy the situation by removing the procedural bar to the homeowners' exemptions for veterans entitled thereto. In so doing, the public policy as expressed in the Constitution will be entirely fulfilled and the state as a whole will benefit. In order to make this remedy available as soon as possible, it is necessary that this act take effect immediately.

CHAPTER 901

An act to amend Section 3104 of the Government Code, relating to oaths for public employees.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 3104 of the Government Code is amended to read:

3104. The oath or affirmation may be taken before any officer authorized to administer oaths. The oath or affirmation of any civil defense worker may be taken before his appointing power or before any person authorized in writing by his appointing power.

No fee shall be charged by any person before whom the oath or affirmation is taken and subscribed.

CHAPTER 902

An act to amend Section 675b of, and to add Section 675c to, the Code of Civil Procedure, relating to judgments.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 675b of the Code of Civil Procedure is amended to read:

675b. At any time after one year has elapsed since a bankrupt was discharged from his debts under the Bankruptcy Act (30 Stat. 544, as amended), he may apply, upon proof of his discharge, to the court in which a judgment was rendered against him or, if rendered in a court not of record, to the court of which it has become a judgment by docketing it or filing a transcript thereof for an order directing the judgment to be canceled and discharged of record. At the hearing, the court shall consider such evidence on the issue whether the judgment or the debt upon which the judgment was recovered has been discharged. If it appears that the judgment or debt has been discharged, an order shall be made directing such judgment to be canceled and discharged of record; and thereupon the clerk of such court shall cancel and discharge the judgment by marking on the docket thereof, if there is a docket, otherwise on the register of actions, that the judgment is canceled and discharged by order of the court, giving the date of entry of the order of discharge. Where the judgment was a lien on real property owned by the bankrupt prior to the time he was adjudged a bankrupt and not subject to be discharged or released under the Bankruptcy Act, the lien thereof upon such real estate shall not be affected by such order and may be enforced, but in all other respects the judgment shall be of no force or validity, nor shall the judgment be a lien on real property acquired by him subsequent to his discharge in bankruptcy. Notice of the application, accompanied with copies of the papers upon which it is made, must be served upon the judgment creditor, or his attorney of record in such judgment, in the same manner as prescribed in Section 1011. Nothing contained in this section, however, shall prevent such judgment, notwithstanding such discharge of record, from being used as a setoff in any action in which it otherwise could be so used.

SEC. 2. Section 675c is added to the Code of Civil Procedure, to read:

675c. In any action or proceeding to enforce a judgment, the party against whom the judgment was recovered may file a certified copy of the order of a court of the United States discharging him from his debts under the Bankruptcy Act (30 Stat. 544, as amended). At the hearing, the court shall consider such evidence on the issue whether the judgment or the debt upon which the judgment was recovered has been discharged. If it appears to the court that the judgment or debt has been discharged, and if at least one year has elapsed since the discharge, an order shall be made directing the judgment to be canceled and discharged of record, which order shall be of the same effect as an order made pursuant to Section 675b.

If it appears that the judgment or debt has been discharged, but that one year has not elapsed from the date the discharge was granted, the court shall stay the action or proceeding until one year has elapsed from such date, at which time, if the discharge has not been revoked pursuant to Section 15 of the Bankruptcy Act, the court, on motion of the party against whom the judgment was recovered, shall make an order directing the judgment to be canceled and discharged of record, which order shall be of the same effect as an order made pursuant to Section 675b. If the discharge has been so revoked, the party seeking to enforce the judgment may file with the court a certified copy of the order revoking the discharge.

Nothing contained in this section shall prevent the judgment, notwithstanding any discharge of record, from being used as a setoff in any action in which it otherwise could be so used.

CHAPTER 903

An act to amend Section 1166a of the Code of Civil Procedure, relating to summary proceedings.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 1166a of the Code of Civil Procedure is amended to read:

1166a. Upon filing the complaint the plaintiff may, upon motion, have immediate possession of the premises by a writ of possession issued by the court and directed to the sheriff of the county, or constable or marshal, for execution, where it appears to the satisfaction of the court, after a hearing on the motion, from the verified complaint and from any affidavits filed or oral testimony given by or on behalf of the parties, that the defendant is insolvent, or has no property that is subject to execution sufficient to satisfy the amount of damages sought to be recovered by the plaintiff, or resides out of the state, or has departed from the state, or cannot, after due diligence be found within the state, or conceals himself to avoid the service of summons. Written notice of the hearing on the motion must be served on the defendant by the plaintiff in accordance with the provisions of Section 1011, and must inform the defendant that he may file affidavits on his behalf with the court and may appear and present testimony on his behalf, and that if he fails to appear the plaintiff will apply to the court for the writ of possession. The plaintiff shall file an undertaking with good and sufficient sureties, to be approved by the judge, in such sum as shall be fixed and determined by said judge, to the effect that if the plaintiff shall fail to recover judgment against the defendant for the possession of said

premises, or if the suit be dismissed, that plaintiff will pay to defendant such damages, not to exceed the amount fixed in said undertaking, as may be sustained by the defendant by reason of such dispossession under said writ of possession. An action to recover such damages shall be commenced by the defendant in a court of competent jurisdiction within one year from the date of entry of dismissal or of final judgment in favor of the defendant.

CHAPTER 904

An act to add Section 1718 to the Civil Code, relating to credit cards.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 1718 is added to the Civil Code, to read:

1718. (a) As used in this section:

(1) "Credit card" means any instrument or device, whether known as a credit card, credit plate, or by any other name, issued with or without fee by a card issuer for the use of the cardholder in obtaining money, goods, services, or anything else of value, either on credit or in consideration of an undertaking or guaranty by the issuer of the payment of a check drawn by the cardholder.

(2) "Accepted credit card" means any credit card which the cardholder requested in writing or has signed or has used, or authorized another to use, for the purpose of obtaining money, property, labor or services on credit. A renewal credit card shall be deemed to be accepted if it is issued within one year after a prior card has been paid for or used. A credit card issued in connection with a merger, acquisition, or the like of card issuers or credit card services in substitution for an accepted credit card shall be deemed to be an accepted credit card.

(3) "Card issuer" means the business organization or financial institution which issues a credit card, or its duly authorized agent.

(4) "Cardholder" means the person or organization identified on the face of a credit card to whom or for whose benefit the credit card is issued by a card issuer.

(5) "Unauthorized use" means a use of a credit card by a person, other than the cardholder, who does not have actual, implied, or apparent authority for such use and from which use the cardholder receives no benefit.

(b) The cardholder is not liable for any unauthorized use of a credit card which has not become an accepted credit card.

(c) If an accepted credit card is lost or stolen after the credit card has reached the cardholder, and the cardholder notifies the card issuer within a reasonable time by telephone, telegraph, letter, or any other reasonable means after discovery of the loss or theft or after the time in which a reasonable man in the exercise of ordinary care would have discovered the loss or theft, the cardholder is not liable for any unauthorized use of the credit card.

(d) This section applies only to credit cards originally issued or renewed on or after the effective date of this section.

CHAPTER 905

An act to add Section 1719 to the Civil Code, relating to credit cards.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 1719 is added to the Civil Code, to read:

1719. (a) As used in this section:

(1) "Credit card" means any instrument or device, whether known as a credit card, credit plate, or by any other name, issued with or without fee by a card issuer for the use of the cardholder in obtaining money, goods, services, or anything else of value, either on credit or in consideration of an undertaking or guaranty by the issuer of the payment of a check drawn by the cardholder.

(2) "Card issuer" means the business organization or financial institution which issues a credit card, or its duly authorized agent.

(3) "Cardholder" means the person or organization identified on the face of a credit card to whom or for whose benefit the credit card is issued by a card issuer.

(b) Whenever fees, charges or penalties are assessed against a cardholder for the use of a credit card, the card issuer shall separately state and label all such fees, charges, and penalties.

SEC. 2. Section 1719 is added to the Civil Code, to read:

1719. Whenever fees, charges, or penalties are assessed against a cardholder for the use of a credit card, the card issuer shall separately state and label all such fees, charges, and penalties.

The terms "credit card," "card issuer," and "cardholder" in this section shall have the same meaning as prescribed in Section 1718.

SEC. 3. It is the intent of the Legislature, if Section 1718 is added to the Civil Code as proposed by A.B. 1763 and Section 1719 is added to the Civil Code as proposed by this bill,

that both sections be given effect without unnecessary duplication. Therefore, in the event A.B. 1763 is enacted and adds Section 1718, Section 2 of this act shall become operative at the same time that Section 1718, as added by A.B. 1763, becomes operative, and at that time, Section 1719 of the Civil Code as added by Section 1 of this act is repealed.

CHAPTER 906

An act to add Section 11910.1 to the Water Code, relating to state water projects.

[Approved by Governor August 23, 1969 Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 11910.1 is added to the Water Code, to read:

11910.1. In furtherance of the policies specified in Section 11910, the Department of Fish and Game, the Department of Parks and Recreation, and other governmental agencies shall submit their recommendations or comments on reconnaissance studies or feasibility reports of the Department of Water Resources relating to any project or feature of a project within 60 days following receipt of a formal request for review from the Department of Water Resources.

CHAPTER 907

An act to amend Sections 4300 and 4307 of the Welfare and Institutions Code, relating to state hospitals.

[Approved by Governor August 23, 1969 Filed with Secretary of State August 27, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 4300 of the Welfare and Institutions Code is amended to read:

4300. As used in this article, "resident officers" of a state hospital means:

(a) Medical director.

(b) Program directors.

(c) Hospital administrator.

SEC. 2. Section 4307 of the Welfare and Institutions Code is amended to read:

4307. As often as a vacancy occurs in a hospital under the jurisdiction of the Director of the Department of Mental Hygiene, he shall appoint, as provided in Section 4301, medical directors, program directors, and hospital administrators.

The hospital administrator shall be a well-educated person, preferably with an advanced degree in business or hospital administration. In addition, he shall have had at least three years' experience in business or hospital administration, or equivalent experience.

Medical directors shall be well-educated physicians who have passed, or shall pass, an examination touching their professional qualifications in all different branches of medicine and surgery, and particularly in diseases affecting the brain and nervous system.

The standards for the professional qualifications of a program director shall be established by the Director of Mental Hygiene for each type of program except that if the duties of the program director include the medical care of patients, the qualifications of the program director shall be the same as medical director.

CHAPTER 908

An act to amend Section 12878 of the Water Code, relating to the formation of maintenance areas.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 12878 of the Water Code is amended to read:

12878. Unless the context otherwise requires, the following definitions apply throughout this chapter:

(a) "Department" means Department of Water Resources.

(b) "Director" means the Director of Water Resources.

(c) "Board" means the State Reclamation Board.

(d) Wherever the words "board or department" or "board or director" are used together in this chapter they shall mean board as to any project in the Sacramento or San Joaquin Valleys or on or near the Sacramento River or the San Joaquin River or any of their tributaries, and department or director as to any project in any other part of the state outside of the jurisdiction of the board.

(e) "Project" means any project which has been authorized pursuant to Chapters 2 (commencing with Section 12639) and 4 (commencing with Section 12850) of this part and concerning which assurances have been given to the Secretary of the Army or the Secretary of Agriculture that the state or a political subdivision thereof will operate and maintain the project works in accordance with regulations prescribed by the federal government or any project upon which assurances have been given to the Secretary of the Army and upon which the Corps of Engineers, United States Army, has performed

work pursuant to Section 208 of Public Law 780, 83rd Congress, 2nd Session, approved September 3, 1954.

(f) "Maintenance" means work described as maintenance by the federal regulations issued by the Secretary of the Army or the Secretary of Agriculture for any project.

(g) "Maintenance area" means described or delineated lands which are found by the board or department to be benefited by the maintenance and operation of a particular unit of a project.

(h) "Unit" means any portion of the works of a project designated as a unit by the board or department, other than the works prescribed in Section 8361 of this code, or works operated and maintained by the United States.

(i) "Land" includes improvements.

(j) "Local agency" means and includes all districts or other public agencies responsible for the operation of works of any project under Section 8370 of this code or under Chapters 2 (commencing with Section 12639) and 4 (commencing with Section 12850) of this part or any other law of this state now in effect or hereafter enacted.

CHAPTER 909

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 23, 1969. Filed with Secretary of State August 27, 1969.]

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 prisons, in public buildings, at fairs, or on property operated by nonprofit associations. 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 910

An act to add Sections 13190.5 and 13192.5 to the Education Code, relating to teaching credentials.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 13190.5 is added to the Education Code, to read:

13190.5. The standard teaching credential with a specialization in elementary teaching shall authorize the holder to teach any subject in juvenile detention facilities classes.

SEC. 2. Section 13192.5 is added to the Education Code, to read:

13192.5. The standard teaching credential with a specialization in secondary teaching shall authorize the holder to:

(a) Teach any subject in juvenile detention facilities classes.

(b) Teach any subject in the home or a hospital teaching grades 7 to 12, inclusive.

CHAPTER 911

An act to add Sections 19052 and 26072 to, and to repeal Sections 19052 and 26072 of, the Revenue and Taxation Code, relating to taxation.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 19052 of the Revenue and Taxation Code is repealed.

SEC. 2. Section 19052 is added to the Revenue and Taxation Code, to read:

19052. (a) Except as provided in subdivision (b), if the Franchise Tax Board determines that the taxpayer paid an amount not required to be paid under this part, the Franchise Tax Board without obtaining the approval of the State Board of Control, shall set forth that fact in its records and may either credit the amount on any amounts then due and payable under this part from the taxpayer by whom the amount was paid or refund the amount or the balance to the taxpayer or his successors, administrators, or executors.

(b) No refund exceeding one thousand dollars ($1,000) shall be allowed or made until approved by the State Board of Control. Notwithstanding the preceding sentence, State Board of Control approval shall not be required with respect to a refund resulting either from the payment of estimated tax or prepayment of taxes during and for the taxable year.

SEC. 3. Section 26072 of the Revenue and Taxation Code is repealed.

SEC. 4. Section 26072 is added to the Revenue and Taxation Code, to read:

26072. (a) Except as provided in subdivision (b), if the Franchise Tax Board determines that the taxpayer paid an amount not required to be paid under this part, the Franchise Tax Board without obtaining the approval of the State Board of Control, shall set forth that fact in its records and may either credit the amount on any amounts then due and payable under this part from the taxpayer by whom the amount was paid or refund the amount or the balance to the taxpayer or its successors.

(b) No refund exceeding one thousand dollars ($1,000) shall be allowed or made until approved by the State Board of Control. Notwithstanding the preceding sentence, State Board of Control approval shall not be required with respect to a refund resulting from the payment of estimated tax.

CHAPTER 912

An act to amend Section 19405 of the Government Code, relating to the state civil service.

[Approved by Governor August 23, 1969 Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 19405 of the Government Code is amended to read:

19405. The rights and benefits provided a person in Sections 19390, 19394, 19401 1, and 19533.2 shall not extend to or be granted to a person, who after January 1, 1956, voluntarily requests and obtains an extension of his original term of enlistment, service, or tour of duty in the recognized military service of the United States.

Such rights and benefits shall not extend to or be granted to a person who was on an indefinite tour of duty, or on a tour of duty in excess of four years' duration in the recognized military service as of January 1, 1956, and who continues on such duty after January 1, 1960.

Such rights and benefits shall not extend to or be granted to a person who was ordered to, or enlisted in the recognized military service after January 1, 1956, for an indefinite tour of duty or for a tour of duty in excess of four years' duration and who continues on such duty for more than four years from the first day of ordered duty or enlistment.

Whenever the board finds that the time limitations imposed by this section are unreasonable to a person it shall be within the discretion of the board to grant an extension of the rights

and benefits to an individual for not to exceed three additional years. This section rather than Section 395.1 of the Military and Veterans Code governs the rights and benefits of state civil service employees.

SEC. 2. The changes made by the 1969 amendments to Section 19405 may be applied to grant an extension of the rights and benefits to any person who was separated from the military service during a three-year period immediately prior to the effective date of the 1969 amendments, provided application for such rights and benefits is made on or before June 30, 1970.

CHAPTER 913

An act to amend Sections 10001, 10002, 10003, and 10004 of the Elections Code and Section 1387 of the Education Code, relating to ballot paper.

[Approved by Governor August 23, 1969 Filed with Secretary of State August 27, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 10001 of the Elections Code is amended to read:

10001. The Secretary of State shall obtain and keep on hand a sufficient supply of tinted paper and tinted punchcards for ballots, to be furnished, in quantities ordered, to any jurisdiction holding an election pursuant to the laws of California, upon payment of the cost of the paper or punchcards.

SEC. 2. Section 10002 of the Elections Code is amended to read:

10002. Ballot paper and punchcards supplied by the Secretary of State shall be watermarked or overprinted with a design, to be furnished by the Secretary of State, so that the watermark or overprint shall be plainly discernible on the outside of the ballot. The design shall be kept secret, until the day of election, from all persons not engaged in the preparation, printing, or distribution of the paper, punchcards or ballots. The design shall be changed for each general election, and the same design shall not be used again at any general election within the space of five years. At any primary, special or local election, paper or punchcards marked with the design used at a previous election may be used.

SEC. 3. Section 10003 of the Elections Code is amended to read:

10003. No person shall make, use, keep or furnish to others, any paper or punchcards watermarked or overprinted in imitation of ballot paper or punchcards. Nor shall any person disclose the watermark or overprint design to any person not engaged in making, printing or distributing ballot paper, punchcards or ballots.

SEC. 4. Section 10004 of the Elections Code is amended to read:

10004. The revolving fund for the purchase of ballot paper, in the amount of ninety thousand dollars ($90,000), created by Chapter 545 of the Statutes of 1913, as amended, is continued in existence. The fund shall be used for the purchase of ballot paper and punchcards as provided in this chapter and shall be reimbursed by the receipts from the jurisdiction obtaining the paper or punchcards in accordance with this chapter. The fund shall at all times be intact and represented either by cash in the State Treasury, ballot paper or punchcards in the custody of the Secretary of State, or accounts receivable representing ballot paper or punchcard sales.

SEC. 5. Section 1387 of the Education Code is amended to read:

1387. Subject to the provisions of Sections 1115 and 1332 of this code, the ballot used in any school district governing board election shall be subject to the following requirements:

(a) Ballot paper or punchcards, whichever is used, shall be acquired from the Secretary of State pursuant to Section 10001 of the Elections Code.

(b) All ballots used in school district governing board member elections shall have printed immediately below the perforated line along the top of the ballot, and above any instructions to voters, in capital type at least 12 point in size the words "Ballot for School District Governing Board Member Election," followed by the name of the district. If a punchcard voting system is used, the words "Ballot for School District Governing Board Member Election," followed by the name of the district, shall be printed on the stub attached to the punchcard and upon any ballot reference page or pages upon which is also printed, the instructions to the voters, office titles, names of candidates and the ballot titles of measures, in conformance with the provisions of Division 9, Chapter 8 of the Elections Code.

(c) It shall comply with the provisions of the Elections Code as to ballot form and details including candidates occupational designation, excepting instructions to voters thereon shall be as provided for in local elections by the Elections Code.

No candidate shall assume a designation which would mislead the voters.

CHAPTER 914

An act to amend Section 17902 of the Elections Code, relating to semiofficial reporting.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 17902 of the Elections Code is amended to read:

17902. The county clerk shall transmit the semiofficial returns to the Secretary of State in the manner and according to the schedule prescribed by him prior to each election, for:

(a) All candidates voted for in more than one county.

(b) All candidates voted for wholly within one county for the following offices:

(1) State Assembly.

(2) State Senate.

(3) Representative in Congress.

(4) Member of the State Board of Equalization.

(c) In presidential years, all persons voted for at the presidential primary or for electors of President and Vice President of the United States, depending on the election involved.

(d) Statewide ballot measures.

In no event, shall the county clerk transmit the returns to the Secretary of State at intervals greater than two hours, following commencement of the semiofficial canvass.

CHAPTER 915

An act to amend Section 7203 of, and to add Chapter 14.5 (commencing with Section 7220) to Division 7 of Title 1 to, the Government Code, to amend Sections 6711, 18831, and 26251 of, and to add Sections 6757.5, 18882.5 and 26161.5 to, the Revenue and Taxation Code, and to add Section 1703.5 to the Unemployment Insurance Code, relating to the registration of tax liens.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 7203 of the Government Code is amended to read:

7203. Upon request of any person, the Secretary of State shall issue a combined certificate showing the information as to financing statements as specified in Section 9407 of the Commercial Code, the information as to federal tax liens as specified in subdivision (d) of Section 7202 of this code, and the information as to state tax liens as specified in Section 7226. The fee for such a combined certificate is five dollars ($5).

When a certificate is requested from the Secretary of State as to a name which appears to be other than the name of an individual, the Secretary of State shall construe the request as one for a combined certificate pursuant to this section unless

the request is specifically limited to a request for a certificate as to federal tax liens or as to state tax liens.

When a certificate is requested from the Secretary of State as to a name which appears to be the name of an individual, the Secretary of State shall construe the request as one for a combined certificate pursuant to this section but omitting information as to federal tax liens, unless the request is specifically limited to a request for a certificate as to federal tax liens or as to state tax liens.

SEC. 2. Chapter 14.5 (commencing with Section 7220) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 14.5. REGISTRATION OF STATE TAX LIENS

7220. When specifically authorized by the provisions of particular tax laws, a certificate of state tax lien may be filed in the office of the Secretary of State.

7221. The certificate must (1) identify the person or persons liable for the payment, (2) identify the agency asserting the lien, and (3) state the fact that the agency has complied with all provisions of law for the determination of the amount required to be paid. The certificate may, but need not, state the unpaid amount.

7222. The Secretary of State shall cause the certificate to be marked, held and indexed in accordance with the provisions of subdivision (4) of Section 9403 of the Uniform Commercial Code as if the certificate were a financing statement within the meaning of that code.

7223. If a certificate of state tax lien has been filed and is still effective, a certificate of release, partial release, or subordination, may be filed in the office of the Secretary of State.

The Secretary of State shall:

(a) Cause a certificate of release to be marked. held and indexed the same as a termination statement within the meaning of the Uniform Commercial Code, and

(b) Cause a certificate of partial release or a certificate of subordination to be marked, held and indexed the same as a release of collateral within the meaning of the Uniform Commercial Code.

7224. (a) A filed certificate of state tax lien is effective for a period of 10 years from the date of filing. The effectiveness of the filed certificate of state tax lien lapses on the expiration of such 10-year period unless a certificate of continuation is filed prior to such lapse.

(b) A certificate of continuation may be filed within six months prior to the end of the 10-year period. Upon timely filing of the certificate of continuation, the effectiveness of the original certificate of state tax lien is continued for 10 years from the time when it would otherwise have lapsed, whereupon it lapses in the same manner as provided in subdivision (a)

unless another certificate of continuation is filed prior to such lapse. Succeeding certificates of continuation may be filed in the same manner to continue the effectiveness of the original certificate of state tax lien.

7225. Unless the Secretary of State has notice of an action pending relative thereto, he may remove from the files and destroy the certificate of state tax lien one year after the lapse of the certificate or one year after the filing of a certificate of release, whichever is earlier. A certificate of release, partial release, subordination or continuation may be removed from the files and destroyed at the same time that the certificate of state tax lien to which it relates is removed from the files and destroyed.

7226. Upon request of any person, the Secretary of State shall issue his certificate showing whether there is on file, on the date and hour stated therein, any certificate of state tax lien naming a particular person, and if a certificate is on file, giving the date and hour of filing of each certificate. The fee for the certificate issued by the Secretary of State is two dollars ($2). Upon request, the Secretary of State shall furnish a copy of any certificate filed pursuant to this chapter for a fee of one dollar ($1) per page. A combined certificate may be issued pursuant to Section 7203.

7227. There is no fee for filing a certificate of state tax lien, certificate of partial release, certificate of subordination or certificate of continuation. The fee for filing a certificate of release is two dollars ($2).

7228. As used in this chapter, "state tax" includes a local tax which is administered or collected by a state agency.

7229. The Secretary of State may adopt regulations relating to this chapter.

SEC. 3. Section 6711 of the Revenue and Taxation Code is amended to read:

6711. At any time within three years after any tax or any amount of tax required to be collected becomes due and payable and at any time within three years after the delinquency of any tax or any amount of tax required to be collected, or within the period during which a lien is in force as the result of the recording of an abstract under Section 6738 or of a certificate under Section 6757 or 6757.5, the board may bring an action in the courts of this state, of any other state, or of the United States in the name of the people of the State of California to collect the amount delinquent together with penalties and interest.

SEC. 4. Section 6757.5 is added to the Revenue and Taxation Code, to read:

6757.5. Within the time allowed in Section 6757, the board may also file a certificate of state tax lien with the Secretary of State pursuant to Chapter 14.5 (commencing with Section 7220) of Division 7 of Title 1 of the Government Code. From the time of the filing of the certificate with the Secretary

of State, the amount required to be paid, together with interest and penalty, constitutes a lien upon all personal property in the state owned by the person or afterwards acquired by him until the certificate of state tax lien lapses. The lien has the force, effect and priority of a judgment lien. A lien imposed by this section shall not be valid insofar as personal property is concerned as against a purchaser for value without actual knowledge of the lien.

SEC. 5. Section 18831 of the Revenue and Taxation Code is amended to read:

18831. At any time within six years after the determination of liability for any tax, penalties, and interest, or within the period during which a lien is in force as the result of the recording of an abstract under Section 18863 or of a certificate under Sections 18881 or 18882.5, the Franchise Tax Board may bring an action in the courts of this state, of any other state, or of the United States in the name of the people of the State of California to recover the amount of any taxes, penalties, and interest due and unpaid under this part.

SEC. 6. Section 18882.5 is added to the Revenue and Taxation Code, to read:

18882.5. The board may also file a certificate of state tax lien with the Secretary of State pursuant to Chapter 14.5 (commencing with Section 7220) of Division 7 of Title 1 of the Government Code. From the time of the filing of the certificate with the Secretary of State, the amount required to be paid, together with interest and penalty constitutes a lien upon all personal property in the state owned by the person or afterwards acquired by him until the certificate of state tax lien lapses. The lien has the force, effect and priority of a judgment lien.

SEC. 7. Section 26161.5 is added to the Revenue and Taxation Code, to read:

26161.5. Within the time allowed in Section 26161, the board may also file a certificate of state tax lien with the Secretary of State pursuant to Chapter 14.5 (commencing with Section 7220) of Division 7 of Title 1 of the Government Code. From the time of the filing of the certificate with the Secretary of State, the amount required to be paid, together with interest and penalty constitutes a lien upon all personal property in the state owned by the person or afterwards acquired by him until the certificate of state tax lien lapses. The lien has the force, effect and priority of a judgment lien.

SEC. 8. Section 26251 of the Revenue and Taxation Code is amended to read:

26251. At any time within six years after the determination of liability for any tax, penalties, and interest or within the period during which a lien is in force as the result of the recording of a certificate under Sections 26161 or 26161.5, the Franchise Tax Board may bring an action in the courts of this state, of any other state, or of the United States in the name

of the people of the State of California to collect the amount due, together with penalties, and interest. The Attorney General or counsel for the Franchise Tax Board shall prosecute the action. In such action a writ of attachment may be issued, and no bond or affidavit previous to the issuing of said attachment is required.

SEC. 9. Section 1703.5 is added to the Unemployment Insurance Code, to read:

1703.5. Within the time specified in Section 1703 of the Unemployment Insurance Code, the director may also file a certificate of state tax lien with the Secretary of State pursuant to Chapter 14.5 (commencing with Section 7220) of Division 7 of Title 1 of the Government Code. From the time of the filing of the certificate with the Secretary of State, the amount required to be paid, together with interest and penalty constitutes a lien upon all personal property in the state owned by the person or afterwards acquired by him until the certificate of state tax lien lapses. The lien has the force, effect and priority of a judgment lien. A lien imposed by this section shall not be valid insofar as personal property is concerned as against a purchaser for value without actual knowledge of the lien.

SEC. 10. The provisions of this act shall become operative on January 1, 1970.

CHAPTER 916

An act to establish a flood control and water conservation agency for the County of Madera; to provide for the general authority of said agency; to designate the Board of Directors and officers of such agency; to define the powers, duties and obligations; to provide for zones of benefit and works of construction; to establish a tax structure for such agency and provide for the issuing of certain bonds and obligations of the agency; to grant the right of eminent domain; to provide for the enforcement of rules and regulations and to grant the right of dissolution protecting the rights of holders of bonds and other obligations.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

Article I. Title of Act

SEC. 100. This act shall be known and may be cited as the Madera County Flood Control and Water Conservation Agency.

Article II. Legislative Intent

SEC. 125. The Legislature hereby finds that the water and drainage problems in Madera County require countywide

water conservation, development of water resources, control of drainage, storm, flood and other waters; that these problems are not general or statewide; that the county for many years has had made investigations and engineering surveys of the county's water resources and drainage problems by private, public and United States engineers; that the rapid growth of population and urban development over widespread portions of the county have created drainage problems which cannot be economically resolved through existing storm drain maintenance districts; that to adequately and feasibily conserve the water supply and control the drainage, storm, flood and other waters of said county, it is necessary to have a political entity coextensive with the geographical limits of the entire county; that the geography of the county is such that there are numerous drainage areas and noncontiguous watersheds therein, and that the county cannot be supplied with water from a common source or by a common system of works; investigation having shown conditions in said county to be peculiar to it, it is hereby declared that a general law cannot be made applicable to said county and that the enactment of this special law is necessary for the conservation, development, control and use of said water for the public good and for the protection of life and property therein.

Article III. General

SEC. 150. A flood control and water conservation agency is hereby created to be called the Madera County Flood Control and Water Conservation Agency. Said agency shall consist of all the territory of the County of Madera lying within the exterior boundaries of said county. As used in this act "agency" means the Madera County Flood Control and Water Conservation Agency.

SEC. 151. As used in this act, the following words shall have the following respective meanings unless by the context otherwise indicated:

(a) The "agency" shall mean the Madera County Flood Control and Water Conservation Agency;

(b) The "county" shall mean the County of Madera of the State of California;

(c) "United States" shall include the United States of America and all bureaus, commissions, divisions, departments, boards, agencies and officers of the United States of America;

(d) "State of California" shall include the State of California and all bureaus, commissions, divisions, departments, boards, agencies and officers of the State of California;

(e) "Work and improvement" or "works and improvements" shall include, but shall not be limited to, any of the following:

(1) Dams and damsites, all reservoirs and reservoir sites, and all conduits and other facilities useful in the control, con-

servation, diversion and transmission of surface water, wells, pumps, storage tanks, reservoirs, and all transmission and distribution facilities useful in the storage of ground water;

(2) Storm drain and flood control improvements, water courses, drainage channels, conduits, ditches, canals, pumping plants, levees and other structures or facilities utilized for controlling drainage waters within the agency, or for the control of flood or storm waters of streams in or running into the agency and, which said facilities and improvements are required either for the protection of life and property therein or for the purpose of conserving any water for beneficial use within the agency;

(3) The agency shall have the power to construct any work or improvement necessary to be done, that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the agency including, without limiting the generality of the foregoing irrigation, domestic, fire protection, municipal, commercial, industrial and all other beneficial uses.

(4) All land, property, franchises, easements, rights-of-way, and privileges, necessary or useful to operate or maintain any of the foregoing facilities and improvements;

(f) "District" means any of the following lying within or partially within the agency: irrigation districts, county water districts, water conservation districts, municipalities, flood control districts, reclamation districts, storm drain maintenance districts, and any other districts or political subdivisions of the state empowered by law to appropriate water and to deliver water to users, or to control drainage, storm, flood or other water within the county, and drainage, flood and storm waters which have sources outside the county but which flow into the county;

(g) "Member unit" shall mean any district which enters into a contract with the agency for (i) the repayment in whole or part to the agency or any other person, corporation, public district, State of California, or the United States, of any or all of the construction costs of any works constructed by or on behalf of the agency or such district, or for (ii) the underwriting in whole or part of any or all of such construction costs, or for (iii) the repayment in whole or in part to the agency or any other person, corporation, public district, State of California, or the United States, of any or all of the cost of furnishing water or a water supply to the agency or such district or the underwriting in whole or in part of such cost, or for (iv) the payment in whole or in part for water to be furnished or sold to such district by the agency or the United States;

(h) "Elector" or "qualified elector" or "voter" or "qualified voter" shall mean any elector of the county qualified

under the laws of the state to vote in the county at general elections;

(i) "May" is permissive and "shall" is mandatory.

(j) "Bonds" as used herein includes both agency bonds and zone bonds. "Agency indebtedness" means any indebtedness of the agency secured by all taxable property in the agency as a whole, and does not include any indebtedness secured only by the taxable property in a designated zone or zones. "Agency bonds" are those bonds issued to finance projects of, or for purposes of, the whole agency secured by all taxable property in the agency. "Zone bonds" are those bonds issued by the agency to finance projects of, or for purposes of, the designated zone or zones and, secured by the taxable property in the zone or zones.

(k) "Zone" means any area designated within the county created in order to finance, construct, acquire, reconstruct, maintain, operate, extend, repair, or otherwise improve any work or improvement of common benefit to such zone or participating zones.

SEC. 152. The agency in order to determine the legality of its existence, in addition to any other remedy it may have for that purpose, may institute a proceeding therefor in the Superior Court of the State of California in and for the County of Madera, by filing a complaint setting forth the name of the agency, its exterior boundaries, the date of its organization, and a prayer that it be adjudged a legal agency formed under this act. The summons in such proceeding shall be served by publishing a copy thereof in said agency pursuant to Section 6064 of the Government Code. Within 30 days after the last publication of said summons shall have been completed, any property owner or resident or registered voter in said agency, or any person interested, may appear and answer said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of the agency and shall be filed in such proceeding. If an answer be filed, the court shall proceed as in other civil cases. Such proceeding is hereby declared to be a proceeding in rem and the judgment rendered therein shall be conclusive against all persons whomsoever and against the State of California. Appeals may be taken from said judgment in the same manner as in other civil cases. The procedure provided by this section shall be cumulative and not exclusive.

SEC. 153. This agency is not in its formation, or in the creation of any zone therein, subject to any of the provisions contained in Title 5, Division 2, Chapter 6.6 (commencing with Section 54773) of the Government Code, or Title 6, Division 1, Part 1, Chapter 1 (commencing with Section 56000) of the Government Code.

SEC. 154. The agency shall have perpetual succession.

SEC. 155. The agency shall have the power to adopt a seal and to alter it at its pleasure.

SEC. 156. Any claim for money or damages against the agency requires the filing with the agency a verified claim signed by the person or persons entitled to the money or damages, within one (1) year from the time of the accrual of the obligation, or the sustaining of injury or loss, and no extension of said time period for the filing of such claim is authorized. All other procedures and remedies in connection with the filing of such claims, not in conflict with this section shall apply, as set forth in Chapter 1 of Part 3 of Division 3.6 of Title 1 (commencing with Section 900) of the Government Code.

Article IV. Board of Directors and Officers

SEC. 200. The Board of Supervisors of Madera County shall be, and they are hereby designated, as directors of the Madera County Flood Control and Water Conservation Agency, and said board of directors is hereby authorized to adopt reasonable rules and regulations to facilitate the exercise of its powers and duties herein set forth.

SEC. 201. Each member of the board of directors shall serve without additional compensation, except such member shall be allowed his actual, necessary and reasonable traveling expenses.

SEC. 202. The directors shall elect a chairman annually who shall preside at all meetings of the board and in case of his absence or inability to act, the members present shall by an order entered in their records, select one of their members to act as chairman pro tempore.

SEC 203. A majority of the members of the board shall constitute a quorum for the transaction of business and, no act of the board shall be valid or binding unless a majority of all the members of the board concur therein.

SEC. 204. The county clerk, county assessor, county tax collector, county auditor, county treasurer, county engineer, county planning director, county road commissioner and county counsel of the county, their assistants, deputies, clerks and employees, shall be ex officio such officers, assistants, deputies, clerks and employees respectively of the Madera County Flood Control and Conservation Agency, and shall respectively perform, unless otherwise provided by said board of directors, without additional compensation the same various duties for the agency as for the county in order to carry out the provisions of this act.

Article V. Powers of the Agency

SEC. 250. The Madera County Flood Control and Water Conservation Agency is hereby declared to be and is a body politic and corporate, and as such shall have, among others, the powers enumerated in this act and such other powers as the law may provide. The powers of the agency shall, except

as otherwise provided, be exercised by the board of directors thereof.

SEC. 251. The agency shall have the power to sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts, commissions, boards and tribunals of competent jurisdiction.

SEC. 252. The agency shall have the power to take absolutely or on condition, by grant, purchase, gift, devise, or lease, with or without the privilege of purchasing, or otherwise, real and personal property of any kind, of any interest in real or personal property, within or without the agency, necessary to the full exercise of its powers, and to hold, use, enjoy, and to lease or dispose of the same subject to the limitations set forth in this act.

SEC. 254. The agency shall have the power to make contracts, employ labor, and do all acts necessary for the full exercise of its purpose and powers. Those contracts determined by the board to be let for bid shall be in accordance with rules and regulations adopted by the board for the letting of contracts for such agency. The board may determine to have any work or services performed by contract, or employees of the agency, or in any combination thereof which is economical and expedient for the purpose of the agency.

SEC. 255. The agency shall have the power: to control drainage waters within the agency; to control flood and storm waters within the agency and the flood and storm waters of streams outside of the agency, which flow into the agency; to conserve such waters by storage in surface reservoirs, and to divert and transport such waters for beneficial uses within the agency; to release such waters from surface reservoirs in order to replenish and augment the supply of waters in natural underground reservoirs; to save or conserve in any manner all or any of such waters; to reduce the waste of water; and to protect the watercourses, watersheds, public highways, and life and property within the agency from damage from any such drainage or flood and storm waters.

SEC. 256. The agency shall have the power within or outside the agency to construct, purchase, lease or otherwise acquire works and improvements, and to purchase, lease, appropriate, or otherwise acquire surface waters and water rights, useful or necessary to make use of water for any purposes authorized by this act, subject to the limitations set forth in this act.

SEC. 257. The agency shall have the power to adopt and carry out any definite plan or system for accomplishing, facilitating or financing all works and improvements as authorized by this act.

SEC. 258. The agency shall have the power to operate, repair, improve, maintain, renew, replace and extend all works and improvements of the agency.

SEC. 259. The agency shall have the power to make surveys and investigations for works and projects relating to control of drainage, storm and flood waters within or flowing into the agency, or of the water supply and resources of the agency. It may carry on and perform technical and other investigations of all kinds, make measurements, collect data and make analyses, studies and inspections pertaining to water supply, water, water rights, use of water both within and without the agency, or to the control of drainage, storm and flood waters both within and which now flow into the agency. For these purposes the agency shall have the right of access through its authorized representatives to all properties within the agency.

SEC. 260. Eminent domain proceedings may be brought by the agency pursuant to the provisions of Title 7, Part 3, of the Code of Civil Procedure. The acquisition of property for drainage, flood control or conservation facilities, which is required to carry out fully the provisions of this act, constitute the acquisition of property for a public use and said property may be acquired by the agency in eminent domain proceedings.

If the owner (public or private) of any land, easement, or franchise to be crossed or occupied by works of the agency cannot agree with the agency as to payment, location of the crossing, or manner of occupation, or any other matters in connection therewith, they shall be determined as in a proceeding in eminent domain.

If a right to flood or otherwise interfere with any road, railroad, canal, or other property is acquired by eminent domain, the judgment may, if the court finds that the public convenience requires it, direct the agency to relocate the road, railroad, canal, or other property in accordance with plans prescribed by the court.

SEC. 261. There is hereby granted to the agency the right-of-way for the location, construction and maintenance of any and all of its works in, over and across public lands of the State of California, not otherwise disposed of or in use, not in any case exceeding in length or width that which is necessary for the construction of such works, improvements and adjuncts or for the protection thereof. Whenever any selection of a right-of-way for such works, improvements or adjuncts thereto is made by the agency, the board of directors thereof must transmit to the State Lands Commission, the Controller of the state and the recorder of the county in which the selected lands are situated, a plat of the lands so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the State Lands Commission shall approve the selections so made, it shall endorse its approval upon the plat and issue to the agency a permit to use such right-of-way and lands.

SEC. 262. The agency shall have the power:

(a) To sell, lease or otherwise dispose of water or any rights to the use of the works of the agency.

(b) To fix, revise, and collect rates and charges for the services, facilities, or water furnished by it.

(c) To establish rules and regulations to protect the public health in the operation of the works, to provide for the sale, distribution and use of water, and the services and facilities of the works, to provide that service, facilities, or water shall not be furnished to persons against whom there are delinquent charges, and to provide for charges for the restoration of service.

(d) To provide that charges for any of its services or facilities may be collected together with, and not separately from, the charges for other services or facilities rendered by it, or it may contract that all such charges be collected by any other private or public utility, and that such charges be billed upon the same bill and collected as one item.

(e) To provide that if all or part of a bill is not paid, the agency may discontinue any or all services or facilities for which the bill is rendered.

(f) To provide for the collection of charges. Remedies for their collection and enforcement are cumulative and may be pursued alternatively or consecutively as the agency determines.

(g) To provide for a basic penalty of not more than ten (10) percent for nonpayment of the charges within the time and in the manner prescribed by it, and in addition, to provide for a penalty of not exceeding one-half of 1 percent per month for nonpayment of the charges and basic penalty. The agency may provide for the collection of such penalties.

(h) To provide for the collection of the charge and penalties by making the same a lien upon the real property and collectable at the same time and in the same manner as taxes and assessments are so collected upon such real property.

SEC. 263. The agency shall have the power to construct or install any works or improvements provided for in this act, and may itself, or by contract, operate and maintain the same. Such power shall include the right to repair, modify, alter, adjust and replace any such works or improvements.

SEC. 264. The agency shall not deliver and sell water to any person within an irrigation district, water district, or city, without the consent of such irrigation district, water district, or city.

Article VI. Contracts With United States and Other Agencies

SEC. 300. The agency shall have the power to cooperate and contract with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto, or any other act of Congress heretofore or hereafter enacted permitting cooperation or con-

tract for the purposes of construction of works and improvements, as defined herein, whether for irrigation, drainage, flood control, or water conservation, or for the acquisition, purchase, extension, operation or maintenance of such works and improvements, or for a water supply for any purpose, or for the assumption as principal or guarantor of indebtedness to the United States, or for carrying out any of the purposes of the agency, and to carry out and perform the terms of any contract so made; and for said purposes the agency shall have in addition to the powers specifically set forth in this act, all powers, rights and privileges possessed by irrigation districts as set out in Chapter 2 of Part 6 of Division 11 of the Water Code, not inconsistent with the provisions of this act.

SEC. 301. Each contract providing for repayment of the cost of any works, or for the payment of any water or water supply, which is entered into with the United States pursuant to this act, shall be authorized at an election, unless, by a resolution adopted by a four-fifths vote of the members of the board of directors, said board shall determine that all liabilities of the agency thereby incurred can be repaid and liquidated, both as to principal and interest, from revenues derived from taxes levied pursuant to this act and, from payments to be made to the agency by member units pursuant to written contracts providing for the payment currently of whatever amounts may be necessary to amortize the portion of said cost underwritten by said member units, or providing for the payment currently of whatever amounts may be necessary to pay the portion of the cost of any water or water supply to be furnished or sold to such member units. Upon the adoption of such resolution, the board of directors shall have the power on behalf of the agency, without the necessity of an election, to enter into such a repayment contract, or into such a contract for the purchase of water or a water supply with the United States, subject to all provisions of this act applicable to such contracts, except provisions requiring an election to authorize such contracts.

SEC. 302. The agency shall have the power to enter into contracts with any district for any of the following purposes:

1. The lease, purchase, or other acquisition by the agency of any of the works of such district.

2. The construction of works by the agency for the conservation, regulation or transmission of water for the benefit of such district or for the furnishing or sale by the agency or the United States to such district, or by such district to the agency of water or a water supply for any purpose; or for the assumption, by either the agency or the district, as principal or guarantor or underwriter of indebtedness incurred on account of works or water furnished or sold to the agency or district.

3. The sale, lease or other disposition of water, water rights, and water storage facilities or interests therein, by the agency or by such district.

SEC. 303. The agency shall have the power to cooperate, act in conjunction and contract with the United States, State of California, municipalities, and public districts of any kind, mutual water companies, or any water companies with respect to any of the following: (1) the purchase and sale of water, (2) the acquisition of water or water supply, (3) the construction of any works authorized by this act, (4) for the protection of property, watersheds, watercourse, highways and life, (5) for the purposes of conserving and transporting said waters for beneficial use, and (6) for the use, operation, management and ownership of such works. The agency also may make and perform any agreement with the United States, the state, any county, municipality, district of any kind, public corporation, any person or any number of them for the joint acquisition, disposition, or operation of any property or works or water or water supply of a kind which might be acquired, disposed of, or operated by the agency.

SEC. 304. Any irrigation district, county water district, water conservation district, municipality, reclamation district, storm drain maintenance district, flood control district, and any other district or political subdivision of the state empowered by law to appropriate water and deliver water to users or control drainage, storm, flood or other waters shall have the power: (a) to cooperate, act in conjunction and enter into contracts with the agency for all the purposes for which the agency is empowered to cooperate, act in conjunction and contract with such districts, municipalities, and political subdivisions; (b) and to carry out the terms of such contracts.

SEC. 305. All contracts for the construction of any unit of work made with the United States, the State of California, any political subdivision thereof, or any other public agency, shall not require said contract to be let for bid, as provided in this act. Said contract may be entered into by negotiations with the other public agencies.

Article VII. Zones

SEC. 350. The board of directors of the agency created by this act, by resolution thereof adopted from time to time, may establish zones within said agency without reference to the boundaries of other zones, setting forth in such resolutions, descriptions thereof by metes and bounds, and entitling each of such zones by a zone number, and institute zone projects for the specific benefit of such zones. The board may, by resolution, amend the boundaries by annexing property to, or by withdrawing property from, said zones, or may divide existing zones into two or more zones, or may superimpose a new or amended zone or zones already in existence, setting forth in such resolutions descriptions of the amended, divided or superimposed zones by metes and bounds and, entitling

each of such zones by a zone number. Said board may designate the county as a zone within the agency.

SEC. 351. Proceedings for the establishment of such zones may be conducted concurrently with, and as a part of, proceedings for the instituting of projects relating to such zones, which proceedings shall be instituted in a manner prescribed in this act.

SEC. 352. The board may in any one year, levy taxes or assessments in any zone to pay the cost of carrying out any of the objects or purposes of this act performed or to be performed on behalf of the zone, including the constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements, established or to be established, within or on behalf of the zone, according to the benefits derived or to be derived by the zone, by the following methods:

(a) By a levy or assessment upon all property within a zone or participating zone, including land, improvements thereon, and personal property;

(b) By a levy or assessment upon all real property within a zone or participating zone, including both land and improvements thereon;

(c) By a levy or assessment upon all property within a zone or participating zone, upon the land only.

SEC. 353. The board shall have the power, in any year, to levy and collect a special tax or assessment upon the property in any zone within the agency, for the purpose of raising funds to make payments pursuant to any contract entered into with another governmental agency pursuant to this act, when the contract requires the governmental agency to perform work in any specified zone or participating zones for its or their particular benefit and, also requires the agency to pay such governmental agency a sum of money in consideration or subvention for the performance of said work. The tax or assessment levied pursuant to this section shall be in addition to any other tax or assessment herein otherwise provided.

SEC. 354. Each year at the time the board fixes and levies taxes for agency purposes, it shall also fix the rates of zone taxes and shall levy the taxes upon the zone. The zone rate shall be such as will produce, after allowance of not to exceed 15 percent for delinquencies, the amount required to meet the expenditures incident to the project or works of improvement for which the zone is established, and the cost of the maintenance thereof, or both, during the current year. The tax in any one fiscal year shall not exceed an aggregate of twenty cents ($0.20) on each one hundred dollars ($100) of assessed valuation of the taxable property in the zone, for any and all zone projects or works of improvement, unless the excess is authorized at an election as provided in this section.

The taxes levied pursuant to this section shall be in addition to any other taxes or assessments provided by this act and,

shall be levied and collected at the same time and in the same manner as other agency taxes and assessments. All funds collected by reason of the tax shall be expended only on behalf of the zone and, only for the purpose for which the zone was formed as set forth in the notice of hearing on the proposal to establish the zone.

Whenever the board determines it is in the best interest of a zone to undertake a project or works of improvement which will require a rate of zone tax in excess of twenty cents ($0.20) on each one hundred dollars ($100) of assessed valuation of the taxable property in the zone, it may submit the proposition to the electors within the zone. The board shall, by resolution, call an election for the purpose of proposing the question to the voters of the zone, as to whether or not the taxes in excess of twenty cents ($0.20) for each one hundred dollars ($100) of assessed valuation of the taxable property in the zone shall be proposed within the zone, prescribing the notice, time, place, and manner of conducting the election in conformity, as nearly as practicable, with the provisions of the Elections Code governing general elections. An election is invalid unless held within the zone, and notice of the time, place, and purpose of the election has been given by publication in the agency pursuant to Section 6066 of the Government Code, and posted in not less than three public places in the zone. If a majority of the votes cast favor such tax rate, the board may thereafter tax not to exceed such new rate.

The taxes shall be levied and collected together with, and not separately from, taxes for county purposes, and the revenues derived from agency taxes or assessments shall be paid into the county treasury to the credit of the agency, or the respective zones thereof, and the board shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes or assessments levied under the provisions of this section, shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone, except in the case of joint projects, or for projects authorized or established outside such zone, or zones, but for the benefit thereof. In cases of projects joint to two or more zones, such zones will become, and shall be referred to as, participating zones.

Article VIII. Selection of Projects

SEC. 400. The agency shall determine which projects or works of improvement shall be carried out and shall determine, as to each project or work of improvement, that it is either:

1. For the common benefit of the agency as a whole; or
2. For the common benefit of two or more zones hereinafter referred to as participating zones; or
3. For the benefit of a single zone.

SEC. 401. The agency may institute projects for single zones and joint projects for two or more zones, for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement of common benefit to such zone or participating zones. All powers and duties of the agency may be exercised or performed on behalf of, and within a zone of the agency. For the purpose of acquiring authority to proceed with any such project, the board of directors shall adopt a resolution setting forth the proposed boundaries and specifying its intention to undertake such project, together with the engineering estimates of the cost of same to be borne by the particular zones of participating zones and fixing a time and place for public hearing of said resolution and, which shall refer to a map or maps showing the general location and general construction of said project. Notice of such hearing shall be given by publication once a week for two consecutive weeks prior to said hearing, the last publication of which notice must be at least seven (7) days before said hearing, in a newspaper of general circulation designated by the board, circulated in the county.

SEC. 402. At the time and place fixed for the hearing, or at any time to which the hearing may be continued, the board shall consider all written and oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon the proposed project, modify it, or proceed with the same, unless prior to the conclusion of the hearing written protests against the proposed project signed by a majority in number of the registered voters residing within such zone or participating zones be filed with the board, in which event further proceedings relating to such project shall be suspended for not less than six months following the date of the conclusion of the hearing, or the proceeding may be abandoned in the discretion of the board.

Article IX. Funds and Accounts

SEC. 450. All funds of the agency shall be deposited in the county treasury subject to disbursement as county funds are so disbursed, provided that the disbursal shall be pursuant to the provisions of this act, under the direction of the county auditor, or such other fiscal officer as is appointed by the board of directors.

SEC. 451. The agency may establish and maintain such separate funds and accounts as it deems necessary to carry out the separate purposes of this act, and may establish such additional separate funds as it shall from time to time determine.

The agency may create and administer revolving funds to facilitate and assist in the carrying on and completing of any acquisition, work or improvements provided for herein, and may abolish such funds.

SEC. 452. The agency may make such transfers, for purposes of a loan or permanently, from one fund to another fund of the agency, as to its funds, or from one fund to another fund of a zone, as to said zone, as the agency shall determine.

SEC. 453. The county auditor, or other fiscal officer, may invest any funds of the agency in any security, debenture, bond, or deposit permitted and allowed for the investment of funds by the County of Madera.

Article X. Taxes

SEC. 500. The board shall have the power in any year to levy ad valorem taxes or assessments; to pay the general administrative costs and expenses, including maintenance and operation of established works and improvements of the agency; to provide funds for any work and improvements; to carry out any of the objects or purposes of this act; and to provide a fund which may be used by the agency to pay the costs and expenses of constructing or extending any or all works established within or on behalf of any zone or participating zones within said agency.

SEC. 501. The board may in any one year, levy taxes or assessments upon all property within the agency by the following methods:

(a) By a levy or assessment upon all property within the agency, including land, improvements thereon, and personal property;

(b) By a levy or assessment upon all real property within the agency, including both land and improvements thereon;

(c) By a levy or assessment upon all real property within the agency, upon the land only.

SEC. 502. Taxes or assessments levied by said board shall be levied and collected together with, and not separately from, taxes for county purposes. The revenues derived from the agency taxes or assessments shall be paid into the county treasury to the credit of the agency, and the board shall have the power to control and order the expenditure thereof for the purposes for which the tax or assessment was levied.

SEC. 503. The provisions of law of this state, prescribing the priority, time and manner of levying, assessing, equalizing and collecting county property taxes, including the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers with respect thereto, are, so far as they are applicable, and not in conflict with the specific provisions of this act, hereby adopted for the agency and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

SEC. 504. The aggregate taxes or assessments for the agency levied under this article for any one fiscal year, shall not exceed twenty cents ($0.20) on each one hundred dollars ($100) of the assessed valuation of the taxable property in

the agency, exclusive of any tax levied to meet the bonded indebtedness of the agency or any zone, and the interest thereon duly authorized by a vote of the electors of the agency or zone thereof, and exclusive of any tax levy for any zone or zones which is for the benefit of that zone or zones, and exclusive of any special assessment levied to meet any indebtedness or contractual liability duly authorized by vote of the electors of the agency.

SEC. 505. The rights-of-way, ditches, flumes, pipelines and other conduits, drains, water, water rights, reservoirs, dams, franchises, works, and all other property used for the purposes of the agency and belonging to it shall not be taxed nor assessed for state, county, municipal or any district purposes.

Article XI. Bonds

SEC. 550. The board shall have the power, in any year, to levy assessments upon any property in any zone, and to issue improvement bonds in accordance with and pursuant to the provisions and procedures of the Improvement Act of 1911 (Division 7, commencing with Section 500, Streets and Highways Code), the Improvement Bond Act of 1915 (Division 10, commencing with Section 8500, Streets and Highways Code), the Municipal Improvement Act of 1913 (Division 12, commencing with Section 10000, Streets and Highways Code), or the Refunding Assessment Bond Act of 1935 (Chapter 732 of the Statutes of 1935).

SEC. 551. The agency shall have the power as provided in this act to borrow money, incur indebtedness, to issue bonds or other evidence of such indebtedness; also to refund or retire any indebtedness or lien that may exist against the agency or property thereof.

SEC. 552. Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in the agency as a whole, in any zone or zones, the board may by resolution determine and declare the respective amount of bonds necessary to be issued in the agency, zone, or zones in order to raise the amount of money necessary for each work or improvement and, the denomination and maximum rate of interest of said bonds. The board shall cause a copy of the resolution duly certified by the clerk to be filed for record in the office of the Recorder of Madera County within five days after its issuance. From and after filing of the copy of said resolution, the board shall be deemed vested with the authority to proceed with the bond election.

SEC. 553. After the filing for record of said resolution the board may call a special bond election in the agency, zone or participating zones, at which shall be submitted to the qualified electors of said agency, zone or participating zones, the question whether bonds shall be issued in the amount or amounts determined in said resolution for the purpose or purposes therein stated. Said bonds and interest thereon shall be

paid from the revenue derived from annual taxes or assessments levied as provided in this article.

SEC. 554. Said board shall call such special bond election by resolution and submit to the qualified electors of said agency, zone, or participating zones, the proposition of incurring a bonded debt in said agency, zone, or participating zones, in the amount and for the purposes stated in said resolution and, shall recite therein the object and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief general description of such object and purposes, and refer to the recorded copy of the resolution adopted by said board and on file with the county recorder for particulars; and the resolution calling the election shall state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on said indebtedness and, shall fix the date on which special election shall be held and the form and content of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed 7 percent per annum. For the purpose of said election, the board shall, in its resolution calling the election, establish special bond election precincts within the boundaries of the agency, zone, or participating zone, and may form election precincts by consolidating the precincts established for general elections in said district to a number not exceeding six general precincts for each such special bond election precinct and, shall designate a polling place and appoint one inspector, one judge and one clerk for each of such special bond election precincts.

In all particulars not recited in such resolution, such election shall be held as nearly as practicable in conformity with the general election laws of the state.

SEC. 555. Said board shall cause a map or maps to be prepared covering a general description of the work to be done, which said map shall show the location of the proposed works and improvements, and cause the said map to be posted in a prominent place in the county courthouse for public inspection at least 30 days before the date fixed for such election.

SEC. 556. The resolution calling the special bond election shall, prior to the date set for such election, be published in a newspaper of general circulation published in the agency, and deemed by the board most likely to give notice to the voters, for six consecutive times if published in a daily newspaper of general circulation, or once a week for two weeks in any weekly newspaper of general circulation. No other notice of such election need be given nor need any polling place cards be issued.

SEC 557. Any defect or irregularity in the proceedings in the calling or conduct of such special bond election, shall not affect the validity of the bonds authorized by said election.

SEC. 558. Where a project affects a single zone only, if at such election two-thirds of the vote cast in said zone on the proposition of incurring bonded indebtedness are in favor thereof, then bonds for such zone for the amount stated in the proceedings shall be issued and sold as in this act provided. Where the incurring of bonded indebtedness by participating zones is to be determined at such election, no bonds for any of such participating zones shall be issued or sold unless two-thirds of the votes cast on the proposition in each such participating zone are in favor of incurring bonded indebtedness to be undertaken by such zone.

SEC. 559. The board shall, pursuant to the provisions of this act, prescribed by resolution the form of the bonds, which must include a designation of the agency, zone, or participating zone affected, and of the interest coupons attached thereto. Said bonds shall be payable annually or semiannually at the discretion of the board each and every year on a day and date at a place or places to be fixed by said board and designated in such bonds, together with interest on all sums unpaid on such date until the whole of said indebtedness shall be paid.

SEC. 560. 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 another series. The maturity of each series shall comply with this section. The board may fix a date not more than two years from the date of issuance for the earliest maturity of each issue or series of bonds. beginning with the date of the earliest maturity of each issue or series; not less than one-fortieth of the indebtedness of such issue or series shall be paid every year. The final maturity date shall not exceed 40 years from the time of incurring the indebtedness evidenced by each issue or series.

SEC. 561. The bonds shall be issued in such denomination as the board shall determine, except that no bond shall be of a less denomination than one hundred dollars ($100) nor of a greater denomination than one thousand dollars ($1,000).

SEC. 562. The bonds shall be payable on the date at the place fixed in said bonds, and at the interest rate specified in said bonds, which rate shall not be in excess of seven (7) percent per annum and shall be made payable annually or semiannually.

SEC. 563. Said bonds shall be numbered consecutively and shall be signed by the chairman of the board and countersigned by the auditor or other fiscal officer of said agency and, the seal of said agency shall be affixed thereto by the clerk of the board. Either or both such signatures may be printed. engraved or lithographed.

SEC. 564. The interest coupons of such bonds shall be numbered consecutively and signed by said auditor or other fiscal officer, or by his printed, engraved, or lithographed signature.

SEC. 565. The proceeds of the sale of such bonds shall be placed in the treasury of the County of Madera to the credit of said agency, and the respective zone, or participating zones thereof, for the uses and purposes of the agency, zone, or participating zones voting said bonds, and the proper record of such transaction shall be placed upon the books of said county treasurer, and said respective agency or zone funds shall be applied exclusively to the purposes and objects mentioned in the resolution calling for such special bond election as aforesaid, subject to the provisions in this act contained. Payments from bond funds shall be made upon demands prepared, presented, allowed and audited in the same manner as demands upon the funds of the agency.

SEC. 566. Any zone bonds issued under the provisions of this act, and the interest thereon, shall be paid by revenue derived from an annual tax or assessment levied as provided in this act. No zone nor the property therein shall be liable for the bonded indebtedness of any other zone, nor shall any moneys derived from taxation or assessments in any of the several zones be used in payment of principal, or interest, or otherwise, of the bonded indebtedness chargeable to any other zone.

SEC. 567. Whenever bonds have been authorized by the agency, and the proceeds of the sale thereof have been expended as in this act authorized, and the board of directors shall by resolution determine that additional bonds shall be issued for carrying out any of the purposes of this act, said board of directors may again proceed as in this act provided, and issue bonds pursuant to this act; or if not applicable, submit to the qualified voters of the agency the question of issuing additional bonds in the same manner and with like procedure as in this act provided, and all the provisions of this act for the issuing and sale of such bonds, and for the expenditure of the proceeds thereof shall be deemed to apply to such issue of additional bonds.

SEC. 568. The board of directors may by resolution submit to the electors of the agency, a proposition for the issuance of new bonds for the purpose of refunding any or all of the bonds outstanding voted by such electors, which proposition may be voted on at any general or special election. The procedure upon such election shall be in accordance, so far as applicable, with the procedure upon an original issue of bonds, and the favorable vote of a majority of the electors voting upon the proposition shall be sufficient to authorize the issuance of refunding bonds. Such refunding bonds may be issued and sold in the manner and form prescribed for an original issue of bonds, and may, if the holders of bonds of an original issue and the board of directors so agree, be exchanged for such original bonds; provided, that the face value of the refunding bonds so exchanged shall not exceed the face value of the original bonds. The board of directors may

raise money to pay principal and interest of such refunding bonds in the same manner as prescribed for the payment of bonds of an original issue.

SEC. 569. When original bonds are issued by the board of directors without a vote of the electors, the board of directors may issue refunding bonds without calling an election for that purpose. The provisions of this act (except in regard to elections) shall apply to such refunding bonds issued by the board of directors.

SEC. 570. If the board by resolution determines that a bonded indebtedness to pay for the acquisition or construction of any works for any purposes of the agency or for refunding any outstanding bonds should be incurred and can be repaid and liquidated as to both principal and interest from revenues designated by the board, the agency is authorized and shall have the power to define such works as an "enterprise" and to issue revenue bonds all in the manner and as provided in the Revenue Bond Law of 1941 as amended, and for such purpose the agency shall be considered a "local agency," as defined by Section 54307 of the Government Code.

SEC. 571. Any bonds, original or refunding, issued by the agency, may be made callable by resolution of the board of directors adopted at, or prior to, the time of issuing such bonds, and providing for the calling and redemption of such bonds, in numerical order, or by lot, on any interest payment date prior to their fixed maturity, at not exceeding the par value thereof and accrued interest. If any such bonds are so made callable, a statement to that effect shall be set forth on the face of the bond. Notice of any such redemption shall be published in the agency pursuant to Section 6063 of the Government Code. The first publication of such notice shall be not less than 30 nor more than 90 days prior to the date fixed for such redemption. After the date fixed for such redemption, if the agency shall have provided funds available for payment of the principal and interest of the bonds so called, interest on such bonds shall thereafter cease.

SEC. 572. The bonds shall be sold at a public sale to the lowest bidder, after notice of such sale has been given by publication in the agency, pursuant to Section 6061 of the Government Code, at least one week prior to such sale and after such other notice as the board of directors may deem proper.

The manner of making, submitting and opening bids, and conducting such sale, and the terms thereof, shall be determined by the board of directors. The board is hereby given the right to reject any and all bids which in the judgment of the board are too high or too low to be in the best interests of the agency.

SEC. 573. Any agency, zone or participating zone bonds issued under the provisions of this act, and the interest on such bonds, if no other funds are available, shall be paid by

revenue derived from the tax authorized by this act and all taxable property within the agency, zone or participating zones shall be and remain liable to be taxed for such payments as in this act provided, until such bonds and the interest are fully paid or the liability therefor legally discharged.

SEC. 574. The aggregate of agency indebtedness incurred pursuant to the provisions of this act authorizing the issuance of bonds, the levying of special assessments, and the execution of contracts, shall not exceed a sum equal to: that amount which can be repaid and liquidated as to both principal and interest in not to exceed 40 years by an annual tax at the rate of twenty cents ($0.20) on each one hundred dollars ($100) of the assessed valuation of all property in the agency taxable for agency purposes, measured by the assessment roll last equalized prior to the incurring of such indebtedness.

The aggregate of agency indebtedness provided herein shall not include any revenue bonds issued for the benefit of the agency, zone, or zones. Such aggregate bond debt limitation shall not include any bonded indebtedness incurred for the benefit of any one zone or zones. Such aggregate bond debt limitation shall not include any special assessment for the payment of any contract with the United States, the State of California, any municipality, or district. Such aggregate bond debt limitation shall not include any special assessment or refunding bond authorized by an election of the voters of the agency.

SEC. 575. No zone or participating zones shall incur a bonded indebtedness which, in the aggregate, shall not exceed a sum equal to that amount which can be repaid and liquidated as to both principal and interest in not to exceed 40 years by an annual tax at the rate of twenty cents ($0.20) on each one hundred dollars ($100) of the assessed valuation of all property in the zone or zones taxable for zone purposes, measured by the assessment roll last equalized prior to the incurring of such indebtedness.

The aggregate of zone or participating zones indebtedness provided herein shall not include any revenue bonds issued for the benefit of the zone, or participating zones. Such aggregate bond debt limitation shall not include any special assessment for the payment of any contract with the United States, the State of California, any municipality, or district. Such aggregate bond debt limitation shall not include any special assessment or refunding bond authorized by an election of the voters of the zone or participating zones.

SEC. 576. Should a proposition for issuing bonds submitted at any election under this act fail to receive the requisite number of votes of the qualified electors voting at such election to incur the indebtedness for the purpose specified, the board of directors of the agency shall not for six months after such election, call or order another election in the agency for

incurring indebtedness and issuing bonds under the terms of this act, for the same objects and purposes.

SEC. 577. All agency or zone bonds issued under the provisions of this act shall be free and exempt from all taxation within the State of California. It is hereby declared that the Madera County Flood Control and Water Conservation Agency is a district, including a reclamation and irrigation district, within the meaning of Section 1¾ of Article XIII and Section 13 of Article XI of the Constitution of the State of California.

SEC. 578. Agency or zone bonds shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, for the state school funds, and whenever any money or funds may by law now or hereafter enacted be invested in bonds of cities, cities and counties, counties, school districts or municipalities in the State of California, such money or funds may be invested in bonds of the agency, issued in accordance with the provisions of this act, and whenever bonds of cities, cities and counties, counties, school districts or municipalities, may by law now or hereafter enacted be used as security for the performance of any act, such bonds of the agency may be so used.

This section of this act is intended to be and shall be considered the latest enactment with respect to the matters herein contained, and any and all acts or parts of acts in conflict herewith are hereby repealed.

SEC. 579. An action to determine the validity of bonds, levy of a special assessment, or a contract, may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. In any such action all findings of fact or conclusions of the board upon all matters shall be conclusive, unless the action was instituted within six months after the finding or conclusion was made.

SEC. 580. The repeal or amendment of this act, or the dissolution of the agency created by this act, shall not in any way affect or release any of the property in the agency from its liability on or from the obligations of any outstanding bonds or indebtedness or contracts for which such property is in any way security, until all such bonds and outstanding indebtedness and contracts have been fully paid or discharged.

Article XII. Special Assessments

SEC. 600. Whenever the board of directors shall determine by resolution that facts exist which make a special assessment preferable in the best interests of the agency to incurring a bonded indebtedness for paying all or any part of the cost of any work, or for carrying out any contract for any purpose of the agency, the board of directors may levy special assessments as hereinafter provided. The facts making such a special assessment preferable to a bonded indebtedness shall be

stated in the resolution. Such special assessments shall be payable in equal annual installments over a period of not to exceed 40 years, and shall be levied only after being duly authorized by a majority of the votes cast by the qualified electors of the agency voting at an election held for that purpose.

Except as in this section otherwise provided, the procedure and requirements of this act for notices and elections for issuance of agency bonds shall apply with like effect to special assessments levied hereunder. If such special assessments are to be levied in annual installments, the ballot shall specify the number of such installments.

The funds raised by said special assessments shall be placed in the treasury of the county to the credit of the agency, and said funds shall be applied exclusively to the purposes and objects mentioned in the resolution calling such special assessment election. Payments from said fund shall be made upon demands prepared, presented, allowed and audited in the same manner as demands upon the funds of the agency.

The provisions of this act relative to taxes for the payment of bonds, and the liability of property for the payment of such taxes, shall apply with like effect to payment of special assessments levied hereunder, and to the liability of property for the payment of such special assessments.

Article XIII. Eminent Domain

SEC. 650. The agency shall have and may exercise the right of eminent domain, either within or without said agency, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district or other public corporation, or agency, or otherwise; provided, however, that the agency in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location. The agency shall also have and may exercise the right to condemn any existing works or improvements in said agency, or along streams flowing into said agency now or hereafter used to control flood or storm waters, or to conserve such flood or storm waters, or to protect any property in said agency or along streams flowing into said agency from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights-of-way, easements, or materials which may be condemned, taken or appropriated under the provision of this act, is a public use subject to the regulation and control of the state in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said agency, or any person or persons, to divert the

waters of any river, creek, stream, irrigation system, canal or ditch, from its channel, to the detriment of any person, or persons having any interest in such river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein, unless compensation therefor be paid as authorized by law.

The power of eminent domain vested in the agency shall include the power to condemn in the name of the agency either the fee simple or any lesser estate, easement, or interest in any real property which the board of directors of the agency by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be conclusive presumption that the taking of such fee simple or any lesser estate or easement, or interest, as the case may be, is necessary.

Whenever real property which is devoted to or held for some other public or quasi-public use is required by the agency for flood or storm water control or water conservation purposes, the agency may condemn real property adjacent thereto, or in the immediate vicinity thereof, to be exchanged for the real property required by the agency as aforesaid for flood control or water conservation purposes.

SEC. 651. If by any judgment in condemnation or by agreement the agency shall be required to relocate any street, road, highway or railroad, subject or devoted to public use, the board shall have power to acquire in the name of the agency by agreement or condemnation, all rights-of-way and other property necessary or proper for the compliance with said agreement or judgment and thereafter, and without further authorization, to make such conveyance of such relocated street, road, highway or railroad, as may be proper to comply with said agreement or judgment.

Article XIV. Emergency

SEC. 700. The agency may: restrict the use of agency water in any zone or zones during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of agency water or the use of agency water during such periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the agency; to prohibit use of such water during such periods for specific uses which the agency may from time to time find to be nonessential; prescribe and define by resolution the restrictions, prohibitions and exclusions referred to above. Every resolution relating to the matters referred to in this section 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 agency within 10 days after adoption.

SEC. 701. A finding by the board upon the existence, threat or duration of an emergency or shortage or upon the matter of necessity or any other matter or condition referred to in this act, shall be made by resolution or ordinance, and shall

be prima facie evidence of the fact or matter so found, and such fact or matter shall be presumed to continue unchanged unless and until a contrary finding shall have been made by the board by resolution or ordinance. Such finding shall be received in evidence in any civil or criminal proceeding in which it may be offered, and shall be proof and evidence of the fact or matter found until rebutted or overcome by other sufficient evidence received in such proceeding. Copy of any resolution or ordinance setting forth such finding shall, when certified by the secretary of the agency, be evidence that the finding was made by the agency as shown by the resolution or ordinance and certification.

From and after the publication of any resolution or ordinance as provided in this act, it is hereby declared to be and it shall be a misdemeanor for any person, firm or corporation to use or apply water received from the agency contrary to or in violation of such restriction or prohibition, until such resolution or ordinance shall have been repealed or such emergency or threatened emergency shall have ceased, and upon conviction thereof such person, firm or corporation 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.

Article XV. Bidding—Construction Contract

SEC. 750. Any improvement or unit of work, except as hereinafter provided, estimated to cost in excess of five thousand dollars ($5,000), shall be done by contract and let to the lowest responsible bidder in the manner hereinafter provided. The board of directors of the agency shall advertise by three (3) insertions in a daily newspaper of general circulation or two (2) insertions in a weekly newspaper of general circulation published in the agency, inviting sealed proposals for the construction of the work before any contract shall be made therefor, and may let by contract separately any part of said work. The board shall require the successful bidder to file with the board good and sufficient bonds to be approved by the board, conditioned upon the faithful performance of the contract, and upon the payment of the claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code, and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids, and readvertise for new bids, or by a two-thirds vote may elect to undertake such work by force account. In the event no proposals are received pursuant to advertisement therefor, or where the estimated cost of such work does not exceed the sum of five thousand dollars ($5,000), or the work consists of emergency work necessary in order to protect life and property, the board

of directors by unanimous vote of all members present may without advertising for bids therefor have said work done by force account. The agency shall have the power to purchase in the open market without advertisement for bids thereof, materials and supplies for use in any work therewith either under contract or by force account.

Article XVI. Sale of Agency Property

SEC. 800. The agency shall hold both real and personal property in the name of the agency for the uses and purposes specified in this act provided that the Board of Directors may determine by resolution adopted with not less than four-fifths vote that any part, portion or item of real or personal property is not needed or of use to the agency, and upon the adoption of such resolution, the said property may be sold at a sale, or leased, when notice of such sale or such lease has been given by publication once a week for two weeks in a newspaper of general circulation in the district.

Article XVII. Resolution and Ordinance

SEC. 850. The agency shall have the power to adopt a resolution or ordinance for the purpose of enforcing any plan, project, program, or work and improvement adopted by the agency and, provide for criminal and civil penalties for the violation of any such resolution or ordinance.

SEC. 851. Ordinances of this agency shall be adopted and published in the same manner as ordinances for the County of Madera; provided, that the law requiring the adoption of ordinances to carry out specific legislative functions shall be required only as specified in this act, and not by the general law applicable to counties; provided, that ordinances may be adopted by the board for any legislative subject unless prohibited by this act.

SEC. 852. The legislative acts of this agency shall be set forth in minute orders, resolutions, and ordinances, with the same administrative effect as minute orders, resolutions and ordinances are adopted and enforced by the County of Madera.

Article XVIII. Dissolution

SEC. 900. The agency may be dissolved in the manner provided in the District Reorganization Act of 1965 (commencing with Section 56000 of the Government Code).

Article XIX. Constitutionality

SEC. 950. In case any section or sections, or part of any section, of this act, shall be found to be unconstitutional or invalid, for any reason, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect.

CHAPTER 917

An act to amend Section 135.3 of the Streets and Highways Code, relating to replacement housing, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 135.3 of the Streets and Highways Code is amended 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.

The Legislature finds that the foregoing objectives can best be achieved by enabling low-income persons in economically depressed areas affected by state highway construction to participate in the development and execution of the replacement housing program. Accordingly, when the initial replacement housing program is undertaken for the assistance of persons displaced by the construction of State Highway Route 105 in Los Angeles County, such program shall be conducted in a manner conducive to maximum community participation, thereby assisting in alleviation of excessive unemployment by utilizing local labor and contributing to the development of training programs for unskilled labor.

The Legislature further finds that conventional contracting procedures, including competitive bidding, may not be consistent with the attainment of these objectives. Therefore, in carrying out this initial replacement housing program on State Highway Route 105, the department may enter into the contracts contemplated by Section 135.7 pursuant to such procedures as the director determines to be best suited to the achievement of the maximum community participation consistent with the economical completion of the freeway projects.

The Legislature further finds and declares that the exemption from competitive bidding authorized by this section is

made by reason of the unique nature of the initial replacement housing program on State Highway Route 105, and is not to be considered as establishing a precedent for exempting any other public works construction from competitive bidding and other conventional contracting procedures, nor as in derogation of the fundamental policy of the Legislature that contractors for public works be selected by competitive bidding in order to secure economy of construction and other benefits which accrue to the public by reason of such contracting procedures.

SEC. 2. The Department of Public Works shall submit a report to the Legislature following the completion of the initial replacement housing program and at other appropriate times as to the program and contracting procedures developed and progress made in providing such replacement housing.

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:

Acquisition of rights-of-way for State Highway Route 105 in Los Angeles County is budgeted for the fiscal year beginning July 1, 1969, and acquisition must commence promptly to avoid delay in the construction program for this interstate route. Preparation of the initial units of replacement housing should begin immediately, so that such units will be available for occupancy when acquisition of rights-of-way is begun.

CHAPTER 918

An act to amend Section 5908.5 of the Labor Code, relating to workmen's compensation.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 5908.5 of the Labor Code is amended to read:

5908.5. Any decision of the appeals board granting or denying a petition for reconsideration or affirming, rescinding, altering, or amending the original findings, order, decision, or award following reconsideration shall be made by the appeals board and not by a referee and shall be in writing, signed by a majority of the appeals board members assigned thereto, and shall state the evidence relied upon and specify in detail the reasons for the decision.

The requirements of this section shall in no way be construed so as to broaden the scope of judicial review as provided for in Article 2 (commencing with Section 5950) of this chapter.

CHAPTER 919

An act to add Section 13143.1 to the Health and Safety Code, relating to fire protection.

[Approved by Governor August 2[illegible], 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 13143.1 is added to the Health and Safety Code, to read:

13143.1. Nothing in Section 13143 shall be construed as prohibiting any local entity from assessing fees by ordinance against the owner of the occupancy, for the inspection of places of deliberation, worship, drinking or dining and awaiting transportation, provided that such fees shall be commensurate with the actual inspection services performed by the fire department.

This section shall remain in effect until the 91st day after the final adjournment of the 1973 Regular Session of the Legislature, and shall have no force or effect after that date.

CHAPTER 920

An act to amend Section 24225 of the Health and Safety Code, relating to air pollution hearing boards.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 24225 of the Health and Safety Code is amended to read:

24225. (a) The air pollution control board shall appoint a hearing board to consist of three members, none of whom is otherwise employed by the air pollution control district or by the county. Two members shall have been admitted to practice law in this state. One member shall be a chemical or mechanical engineer.

(b) If the air pollution control board in a county having a population of less than 500,000 inhabitants is unable to secure a person with the qualifications prescribed by subdivision (a), who is willing and able to serve, and for that reason a vacancy exists on the hearing board, it may, in order to fill the vacancy, appoint to such hearing board any person.

CHAPTER 921

An act to add Article 1.5 (commencing with Section 21320) to Chapter 5 of Division 16 of the Education Code, relating to school district funds.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Article 1.5 (commencing with Section 21320) is added to Chapter 5 of Division 16 of the Education Code, to read:

Article 1.5. Alternative Revolving Cash Fund of School Districts

21320. As an alternative to establishing or maintaining a revolving cash fund under the provisions of Article 1 (commencing with Section 21301) of this chapter, the governing board of any school district having an average daily attendance of 75,000 or more may, by resolution, establish revolving cash funds for use by school principals and other administrative officials designated by the governing board and acting in accordance with regulations prescribed by the governing board, for purchase of supplies. The resolution shall set forth the necessity for the revolving cash funds, the principals of schools and other administrative officials of the school district designated by the governing board, the purposes for which the revolving cash funds shall be made available, and the amount of such funds. The total amount of such funds for each district shall not exceed 3 percent of the current year's instructional supply budget.

The governing board of any school district may establish a checking account for the revolving fund in one or more banks. The account shall be established in the custody of the principal or other administrative official designated by the governing board for whose use the revolving cash fund is created. The principal or administrative official in whose name the revolving cash fund is created shall be responsible for all expenditures therefrom, subject to such regulations as the governing board prescribes. The governing board shall provide for an audit of such funds on a regular basis

The revolving cash fund for supplies shall be subject to the bonding provisions of Section 21302.

CHAPTER 922

An act to amend Section 31726.5 of the Government Code, relating to the County Employees' Retirement Law of 1937.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 31726.5 of the Government Code is amended to read:

31726.5. Upon retirement for non-service-connected disability a safety member who has attained age 55 shall receive his service retirement allowance. Every safety member under age 55 who is retired for non-service-connected disability and who is not simultaneously retired as a member on deferred retirement of the Public Employees' Retirement System or a retirement system established under this chapter in another county shall receive a disability retirement allowance which shall be the greater of:

(a) The sum to which he would be entitled to as service retirement; or

(b) A sum which shall consist of:

(1) An annuity which is the actuarial equivalent of his accumulated contributions at the time of his retirement.

(2) 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.

CHAPTER 923

An act to amend Section 189 of the Penal Code, relating to crimes.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 189 of the Penal Code is amended to read:

189. All murder which is perpetrated by means of a bomb, poison, lying in wait, torture, or by any other kind of willful, deliberate, and premeditated killing, or which is committed in the perpetration of, or attempt to perpetrate, arson, rape, robbery, burglary, mayhem, or any act punishable under Section 288, is murder of the first degree; and all other kinds of murders are of the second degree.

As used in this section, "bomb" includes any device, substance, or preparation, other than fixed ammunition or fire-

works regulated under Part 2 (commencing with Section 12500) of Division 11 of the Health and Safety Code, which is designed to cause an explosion and is capable of causing death or serious bodily injury.

CHAPTER 924

An act to amend Section 1737.1 of the Welfare and Institutions Code, relating to Youth Authority.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 1737.1 of the Welfare and Institutions Code is amended to read:

1737.1. Whenever any person who has been charged with or convicted of a public offense and committed to the authority appears to the authority, either at the time of his presentation or after having become an inmate of any institution or facility subject to the jurisdiction of the authority, to be an improper person to be retained in any such institution or facility, or to be so incorrigible or so incapable of reformation under the discipline of the authority as to render his detention detrimental to the interests of the authority and the other persons committed thereto, the authority may return him to the committing court. In the case of a person convicted of a public offense, said court may then commit him to a state prison or sentence him to a county jail as provided by law for punishment of the offense of which he was convicted. The maximum term of imprisonment for a person committed to a state prison under this section shall be a period equal to the maximum term prescribed by law for the offense of which he was convicted less the period during which he was under the control of the Youth Authority. The Adult Authority may, after seeking the advice of the Youth Authority, allow any such person time credit reductions from his term of confinement according to the table set forth in Section 2920 of the Penal Code for the time during which such person was under the control of the Youth Authority. In the case of a person who has been committed to the authority by a juvenile court, the juvenile court to which he is returned may make such further order or commitment with reference to such person as may be authorized by the juvenile court law, except that said court may not recommit such person to the Youth Authority.

CHAPTER 925

An act to add Section 312.1 to the Penal Code, relating to obscenity.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 312.1 is added to the Penal Code, to read:

312.1. In any prosecution for a violation of the provisions of this chapter or of Chapter 7.6 (commencing with Section 313), neither the prosecution nor the defense shall be required to introduce expert witness testimony concerning the obscene or harmful character of the matter which is the subject of any such prosecution. Any evidence which tends to establish contemporary community standards of appeal to prurient interest or of customary limits of candor in the description or representation of nudity, sex or excretion, or which bears upon the question of redeeming social importance, shall, subject to the provisions of the Evidence Code, be admissible when offered by either the prosecution or by the defense.

CHAPTER 926

An act to add Section 94.5 to the Streets and Highways Code, relating to highway construction contracts.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 94.5 is added to the Streets and Highways Code, to read:

94.5. The department may provide in any construction contract for the payment of extra compensation to the contractor for cost reduction changes in the plans and specifications for the project made pursuant to a proposal submitted by the contractor. The extra compensation to the contractor shall not exceed 50 percent of the net savings in construction costs as determined by the department.

SEC. 2. Section 1 of this act shall apply only to contracts awarded to the lowest bidder pursuant to competitive bidding. The section shall remain in effect for contracts awarded prior to January 1, 1972, and shall have no force or effect as to contracts to be awarded after that date. The department shall submit an annual report to the Legislature, no later than January 30 of each year, describing its experience under Section 1 of this act during the previous year.

CHAPTER 927

An act to amend Section 17572 of the Business and Professions Code, relating to vending machines.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 17572 of the Business and Professions Code is amended to read:

17572. Any person who violates this article is guilty of a misdemeanor punishable by a fine of not to exceed one hundred dollars ($100) for each violation.

CHAPTER 928

An act to amend Section 10132 of, to add Section 10131.3 and Chapter 4 (commencing with Section 10250) to Part 1 of Division 4 of the Business and Professions Code, relating to real estate.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 10131.3 is added to the Business and Professions Code, to read:

10131.3. A real estate broker within the meaning of this part is also a person who, for another or others, for compensation or in expectation of compensation, issues or sells, solicits prospective sellers or purchasers of, solicits or obtains listings of, or negotiates the purchase, sale, or exchange of a real estate syndicate security as defined in the Real Estate Syndicate Act, Chapter 4 (commencing with Section 10250) of this part.

The provisions of this section do not apply to a broker-dealer or agent of a broker-dealer licensed by the Commissioner of Corporations under the provisions of the Corporate Securities Law of 1968.

SEC. 2. Section 10132 of the Business and Professions Code is amended to read:

10132. A real estate salesman within the meaning of this part is a natural person who, for a compensation or in expectation of a compensation, is employed by a licensed real estate broker to do one or more of the acts set forth in Sections 10131, 10131.1 10131.2, and 10131.3.

SEC. 3. Chapter 4 (commencing with Section 10250) is added to Part 1 of Division 4 of the Business and Professions Code, to read:

CHAPTER 4. REAL ESTATE SYNDICATE ACT

Article 1. Definitions

10250. This chapter shall be known and cited as the "Real Estate Syndicate Act."

10251. As used in this chapter, unless the context otherwise requires:

(a) "Real estate syndicate" means any general or limited partnership, joint venture, unincorporated association, or similar organization (but not a corporation) owned beneficially by no more than 100 persons and formed for the sole purpose of, and engaged solely in investment in or gain from an interest in real property, including, but not limited to, a sale, exchange, trade, or development.

(b) "Interest in real property" includes any estate or interest in unimproved land, agricultural land, or land improved with a residential, commercial, industrial or other structures, including profits, rents, or other incidental income.

(c) "Real estate syndicate security" means any interest in a real estate syndicate.

(d) (1) "Sale" or "sell" includes every contract of sale of, contract to sell, or disposition of, a real estate syndicate security for value and any exchange of a real estate syndicate security or any substantial change in the rights, preferences, privileges or restrictions of or on outstanding certificates of interest.

(2) "Offer" or "offer to sell" includes every attempt or offer to dispose of, or solicitation of an offer to buy, a real estate syndicate security for value.

(3) Any real estate syndicate security given or delivered with, or as a bonus on account of, any purchase or loan or other thing constitutes a part of the subject of the purchase and is considered to have been offered and sold for value.

(4) The terms defined in this section do not include (i) any bona fide secured transaction in or loan secured by outstanding certificates of interest, or (ii) any act incident to a judicially approved arrangement or reorganization in which certificates of interest are issued in exchange for one or more certificates of interest, claims or property interests, or partly in such exchange and partly for cash.

(e) "Commissioner" means the Real Estate Commissioner.

(f) "Permit" means a permit to negotiate or sell real estate syndicate securities.

(g) "Advertisement" means any written or printed communication or any communication by means of recorded telephone messages or spoken on radio, television, or similar communications media, published in connection with the offer or sale of a real estate syndicate security.

(h) "Issuer" means any person who issues or proposes to issue any real estate syndicate security. The term "issuer" means the person or persons performing the acts and assuming

the duties of a manager pursuant to the provisions of the agreement or instrument under which the real estate syndicate security is issued and the person or persons in active control of the real estate syndicate who sell such interests or participations or any person or persons who sell such interests or participations. The determination of the person or persons in active control shall be made on the basis of the actual relationship of the parties and not on the basis of the legal designation of a person's interest.

Article 2. Exemptions

10260. The provisions of this chapter do not apply to any of the following:

(a) Any membership interest or other right or privilege of purchasers created in or in connection with any of the forms of development referred to in Section 11004.5 of the Business and Professions Code.

(b) Any real estate syndicate securities or participation in an oil, gas, or mining title or lease.

(c) Any shares, memberships, or certificates of interest or participation in a mutual water company.

(d) Any share, membership, or certificate of interest in a real estate investment trust subject to the provisions of Part 3 (commencing with Section 23000), Title 3, Corporations Code.

(e) Any real estate syndicate security for which a registration statement has been filed under the Securities Act of 1933.

10261. Any offer or sale of a real estate syndicate security in a transaction not involving a public offering is exempt from the provisions of this chapter.

10262. There shall be exempted from the provisions of this chapter any other transaction which the commissioner by regulation exempts as not being comprehended within the purposes of this law and the qualification of which he finds is not necessary or appropriate in the public interest or for the protection of investors.

Article 3. Issuer Transactions

10270. It is unlawful for any issuer to offer or sell in this state any real estate syndicate security unless such sale has been qualified under Section 10271 or unless such real estate syndicate security or transaction is exempted under Article 2 (commencing with Section 10260) of this chapter.

It is unlawful for any issuer to offer or sell in this state any real estate syndicate security issued by it in connection with any change in the rights, preferences, privileges, or restrictions of or on outstanding real estate syndicate security unless such sale has been qualified under Section 10271 or unless such real estate syndicate security or transaction is exempted under Article 2 (commencing with Section 10260) of this chapter.

10271. (a) All real estate syndicate securities shall be qualified under this section.

(b) The application for a permit shall contain information to the extent applicable to the plan of syndication, as follows:

(1) The name, residence, and principal business address of the applicant.

(2) If the applicant is a corporation, partnership, or joint venture, the names, residence, and business addresses of all officers or members of the corporation, partnership, or joint venture.

(3) A detailed statement of the plan of syndication including, but not limited to, the form of entity and the number and aggregate amount of the real estate syndicate securities proposed to be sold.

(4) A copy of partnership or other agreements governing the rights, duties, and liabilities of members or participants.

(5) A copy of any prospectus, advertisement, or brochure to be used in connection with the sale of the real estate syndicate securities.

(6) A legal description of the real property, including a detailed description of the existing or proposed improvements, if any.

(7) A true statement of the condition of the title to such real property, including all encumbrances thereon.

(8) A copy of covenants, conditions, or restrictions, if any.

(9) The detailed terms of the property acquisition, including, but not limited to, down payment and the amount, periodic payment, and terms of encumbrances, if any.

(10) A copy of any management agreement, including the amount of any fee, compensation, or promotional interest to be received by the applicant or any other persons in connection with the formation and management of the syndicate.

(11) The name of the escrow depository, if any.

(12) The amount, terms, and conditions of fire, liability, and hazard insurance.

(13) Such other information as the commissioner by rule deems necessary. Notwithstanding any other provision of this section, after reviewing the application the commissioner may require such other information and documentation as he deems necessary.

(c) Qualification of real estate syndicate securities under this section becomes effective upon the issue of a permit by the commissioner authorizing issuance of such securities.

(d) Every qualification under this chapter is effective for 12 months from its effective date, unless the commissioner by order or rule specifies a different period, except during the time an order under Section 10281 is in effect.

(e) Every application for qualification under this chapter shall be signed and verified by the issuer. Verification of an application shall be in the manner provided for the verification of pleadings. All information required to be included in

an application shall be true and complete as of the time the qualification of the sale of real estate syndicate securities becomes effective; and an applicant shall promptly supply by amendment prior to the effectiveness of such qualification any information based on facts occurring after the original date of filing which is necessary to supplement or correct the information contained in the original application so as to make such information not materially misleading as of the effective date of such qualification.

(f) An offer (but not a sale) and the execution and delivery of any agreement for the sale of real estate syndicate securities pursuant to such offer may be permitted by the commissioner upon application. Any negotiating permit under this subdivision shall be conditioned to the effect that none of the real estate syndicate securities may be issued and none of the consideration therefor may be received or accepted until the sale of such securities is qualified under this chapter.

Article 4. Authority of the Commissioner

10280. The commissioner may refuse to issue a permit under Section 10271 unless he finds that the proposed plan of business of the applicant and the proposed issuance of real estate syndicate securities are fair, just, and equitable, that the applicant intends to transact its business fairly and honestly, and that the real estate syndicate securities which it proposes to issue and the methods to be used by it in issuing them are not such as, in his opinion, will work a fraud upon the purchaser thereof.

10281. The commissioner may suspend or revoke any permit issued under Section 10271 if he finds (1) that the order is in the public interest and (2) that the proposed plan of business of the issuer or the proposed issuance or sale of real estate syndicate securities is not fair, just, or equitable, or that the issuer does not intend to transact its business fairly and honestly, or that the securities proposed to be issued or the method to be used in issuing them will tend to work a fraud upon the purchaser thereof.

10282. It is unlawful for any person without the written consent of the commissioner to consummate the transfer of any real estate syndicate securities heretofore or hereafter placed in escrow pursuant to a condition ordered by the commissioner and which have not been released from escrow, or which are subject to a currently effective legend condition requiring such consent (except as permitted therein).

10283. Upon the filing of a written request for the consent to transfer securities referred to in Section 10282, accompanied by such information and documents as the commissioner may by rule require, the commissioner shall issue such consent if he finds that the transfer requested will be fair, just, and equitable to the proposed transferees, and otherwise he shall deny such consent.

10284. An amendment to an application filed after the effective date of the qualification of the sale of real estate syndicate securities, if such amendment is approved by the commissioner, shall become effective on such date as the commissioner may determine, having due regard to the public interest and the protection of investors.

10285. In any proceeding under this chapter, the burden of proving an exemption or an exception from any provision of this chapter is upon the person claiming it.

10286. (a) Neither (1) the fact that an application for qualification under this law has been filed nor (2) the fact that such qualification has become effective constitutes a finding by the commissioner that any document filed under this law is true, complete, or not misleading. Neither any such fact nor the fact that an exemption is available for a real estate syndicate security or a transaction means that the commissioner has passed in any way upon the merits or qualifications of, or recommended or given approval to, any person, real estate syndicate security or transaction.

(b) It is unlawful to make or cause to be made to any prospective purchaser any representation inconsistent with subdivision (a) of this section.

10287. Every applicant for qualification of real estate syndicate securities under this law shall file with the commissioner, in such form as he by rule prescribes, an irrevocable consent appointing the commissioner or his successor in office to be his attorney to receive service of any lawful process in any noncriminal suit, action or proceeding against him or his successor, executor or administrator, which arises under this chapter or any rule or order promulgated hereunder after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. Service may be made by leaving a copy of the process in the office of the commissioner but it is not effective unless (1) the plaintiff who may be the commissioner in a suit, action or proceeding instituted by him, forthwith sends notice of the service and a copy of the process by registered or certified mail to the defendant or respondent at his last address on file with the commissioner, and (2) the plaintiff's affidavit of compliance with this section is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

10288. It is unlawful for any person willfully to make any untrue statement of a material fact in any application, notice, or report filed with the commissioner under this part, or willfully to omit to state in any such application, notice, or report any material fact which is required to be stated therein.

10289. Every permit shall recite in bold type that the issuance thereof is permissive only and does not constitute a recommendation or endorsement of the real estate syndicate securities to be issued.

10290. The commissioner may impose as a condition of qualification under Section 10271 conditions relating to impounding of the proceeds from the sale of real estate syndicate securities; restricting the transferability thereof; limiting expenses in connection with the sale thereof; limiting the number of real estate syndicate securities or the consideration for each or both; the terms of and the parties to sales of outstanding real estate syndicate securities; placing certificates of interest in escrow; or any other condition if the commissioner finds that without such condition, the sale of certificates of interest would be unfair, unjust or inequitable.

The commissioner may, in his discretion, modify or remove such conditions when, in his opinion, they are no longer necessary or appropriate.

10291. Every issuer qualifying real estate syndicate securities for sale in this state shall at all times keep and maintain a complete set of books, records and accounts of such sales and the disposition of the proceeds thereof, and shall thereafter, at such times as are required by the commissioner, make and file in the office of the commissioner a report, setting forth the interests sold by it under such qualification, the proceeds derived therefrom and the disposition thereof.

10292. The commissioner may by rule or order require as a condition of qualification that any real estate syndicate securities authorized under Section 10280 be sold only on a specified form of subscription or sale contract, and that a signed or conformed copy of each contract be preserved for any period up to three years specified in the rule or order.

10293. The commissioner may accept and act upon the opinions, appraisals and reports of any engineers, appraisers or other experts which may be presented by an application on any question of fact concerning or affecting the real estate syndicate securities proposed to be offered and sold. In lieu of, or in addition to, such opinions, appraisals, and reports, the commissioner may have any or all matters concerning or affecting such real estate syndicate securities investigated, appraised, passed upon and certified to him by engineers, appraisers or other experts selected by him.

10294. Any applicant objecting to the denial of a permit or to any condition therein, may, within 30 days after receipt of such denial or order, file a written request for a hearing. The hearing shall be held within 30 days thereafter unless the party requesting the hearing requests a postponement. If the hearing is not held within 30 days after the hearing request is received, plus the period of any postponement, or if a proposed decision is not rendered within 45 days after submission, and an order adopting or rejecting such proposed decision is not issued within 15 days thereafter, the order of denial or imposition of the condition shall be rescinded and a permit issued.

10295. Whenever the commissioner finds that any applicant or other person is violating any of the provisions of this chapter or of the regulations pertaining thereto, or the terms and conditions of the permit, or that the further sale or offer to sell real estate syndicate securities would be unfair, unjust, or inequitable, the commissioner may order the person to cease and desist from violating the provisions of this chapter or of the regulations pertaining thereto, or from the further sale of real estate syndicate securities.

After such an order is issued, the person or persons named therein may, within 30 days after receipt of the order, file a written request for a hearing. The hearing shall be held within 30 days thereafter unless the party requesting the hearing shall have requested a postponement. If the hearing is not held within 30 days after the request for a hearing, plus the period of any postponement, or a proposed decision is not rendered within 45 days after submission, and an order adopting or rejecting such decision is not issued within 15 days thereafter, the order shall be rescinded.

10296. The commissioner in his discretion may make such examinations or investigations as he deems necessary to determine whether any person or company has violated any provisions of this chapter, or any regulation, order or permit hereunder.

For the purpose of any examination or investigation under this chapter, the commissioner or any officer designated by him may administer oaths and affirmation, subpoena witnesses, compel their attendance, audit books, accounts and records, take evidence and require the production of any books, papers, correspondence, memoranda, agreements or other documents or records which the commissioner deems relevant or material to the inquiry.

10297. After the permit has been issued authorizing the sale of real estate syndicate securities, no change, alteration, or modification of the offering shall be made without first notifying the commissioner in writing thereof and obtaining an amended permit or written approval of the commissioner.

10298. (a) The fee for filing an application for a negotiating permit is fifty dollars ($50).

(b) The fee for filing an application for a permit for the sale of real estate syndicate securities or renewal thereof is one hundred dollars ($100), plus one-tenth of 1 percent of the aggregate value of the certificates of interest sought to be issued in this state, up to a maximum aggregate fee of one thousand five hundred dollars ($1,500).

For the purpose of determining the fees fixed in this section, the value of the real estate syndicate securities shall be the price at which they are proposed to be sold, including obligations to make future payments, or the value as alleged in the application, or the actual value, as determined by the commissioner, of the consideration, if other than money, to be received therefor, whichever is greater.

(c) The fee for filing any application for a permit to issue real estate syndicate securities evidencing any change in the rights, preferences, privileges, or restrictions on outstanding real estate syndicate securities is one hundred dollars ($100). Where such issuance will result in an increase in the aggregate face amount of the real estate syndicate securities, the fee shall be in accordance with subdivision (b).

10299. All hearings initiated under the provisions of this chapter shall be conducted in accordance with the provisions of the Administrative Procedure Act as set forth in Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code, and the commissioner shall have all of the powers granted therein.

10300. No person shall publish any advertisement in this state concerning any real estate syndicate security sold or offered for sale in this state unless a true copy of the advertisement has first been filed in the office of the commissioner at least three days prior to the publication or such shorter period as the commissioner may by rule or order allow.

10301. No person shall publish any advertisement concerning any real estate syndicate security in this state after the commissioner finds that the advertisement contains any statement that is false or misleading or omits to make any statement necessary in order to make the statements made in the light of the circumstances under which they were made not misleading and so notifies the person in writing. After such notification is issued, the person or persons named therein may, within 30 days after receipt of the notification, file a written request for a hearing. The hearing shall be held within 30 days thereafter unless the party requesting the hearing shall have requested a postponement. If the hearing is not held within 30 days after the request for a hearing, plus the period of any postponement, or a proposed decision is not rendered within 45 days after submission, and an order adopting or rejecting such notification is not issued within 15 days thereafter, the notification shall be rescinded.

Article 5. Powers of the Commissioner

10310. Whenever it appears to the commissioner that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this law or any rule or order hereunder, he may in his discretion bring an action in the name of the people of the State of California in the superior court to enjoin the acts or practices or to enforce compliance with this law or any rule or order hereunder. Upon a proper showing a permanent or preliminary injunction, restraining order, or writ of mandate shall be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets. The court may not require the commissioner to post a bond.

10311. The commissioner in his discretion may make such public or private investigations within or outside of this state as he deems necessary to determine whether any person has violated or is about to violate any provision of this law or any rule or order hereunder or to aid in the enforcement of this law or in the prescribing of rules and forms hereunder.

10312. The commissioner may establish such rules as are reasonably necessary to carry out the intent and purpose of the provisions of this chapter. Such rules shall be adopted, amended, or repealed in accordance with the provisions of the Administrative Procedure Act.

Article 6. Crimes

10320. Any person who willfully violates any provision of this chapter, or who willfully violates any rule or order under this chapter, shall upon conviction be fined not more than ten thousand dollars ($10,000) or imprisoned in the state prison for not more than 10 years or in a county jail for not more than one year, or be punished by both such fine and imprisonment; but no person may be imprisoned for the violation of any rule or order if he proves that he had no knowledge of the rule or order.

10321. Nothing in this chapter limits the power of the state to punish any conduct which constitutes a crime under any other statute.

10322. Nothing in this article shall be construed to hold an escrow holder, lender, title insurance company, or underwritten title company as defined by Insurance Code Section 12402, liable for violation of any provision hereof, unless it has actual knowledge of the violation. or participated as a principal or agent in the real estate syndicate, other than in its capacity as escrow holder, lender, title insurance company or underwritten title company.

Article 7. Remedies

10330. Any condition, stipulation or provision purporting to bind any person acquiring any real estate syndicate security to waive compliance with any provision of this chapter or any regulation or order hereunder is void unless written approval by the commissioner is obtained prior thereto.

10331. Any person who violates Section 10270 or Section 10297 shall be liable to any person acquiring from him the real estate syndicate security sold in violation of such section, who may sue to recover the consideration paid for such real estate syndicate security with interest thereon at the legal rate, less the amount of any income received therefrom, upon the tender of such real estate syndicate security, or for damages (if he no longer owns the real estate syndicate security) equal to the difference between (a) his purchase price plus interest at the legal rate from the date of purchase

and (b) the value of the real estate syndicate security at the time it was disposed of by the plantiff plus the amount of any income received therefrom by the plaintiff, together with such other relief as the court may deem proper.

10332. (a) No action shall be maintained to enforce any liability created under this chapter, unless brought before the expiration of two years after the act or transaction constituting the violation or the expiration of one year after the discovery by the plaintiff of the facts constituting the violation, whichever shall first expire.

(b) No purchaser of a real estate syndicate security may commence an action under this article, if, before suit is commenced, such buyer shall have received a written offer (1) stating the respect in which liability under such section may have arisen, (2) offering to repurchase the real estate syndicate security for cash price payable upon delivery of the real estate syndicate security equal to the consideration paid, with interest at the legal rate from the date of payment, less the amount of any income received on the real estate syndicate security, or, if the purchaser no longer owns the real estate syndicate security, offering to pay the purchaser upon the acceptance of the offer an amount in cash equal to the damages computed in accordance with Section 10331 providing that such offer may be accepted by the purchaser at any time within a specified period of not less than 30 days after the date of receipt thereof, and (3) setting forth the provisions of this subdivision; and such purchaser shall have failed to accept such offer in writing within the specified period after receipt thereof.

Article 8. Miscellaneous

10340. If any provision of this law or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this law which can be given effect without the invalid provisions or application, and to this end the provisions of this law are declared to be severable.

SEC. 4. On January 2, 1970, the Real Estate Commissioner shall succeed to all the powers, duties and responsibilities of the Commissioner of Corporations hitherto exercised in administering the law relating to real estate syndicate securities.

All permits, applications, and orders, or other official acts of the Commissioner of Corporations, relating to such securities and all conditions, qualifications, and restrictions imposed upon such securities remain in effect so long as they would have remained in effect had this act not been enacted; they are considered to have been filed, entered, and imposed under this law, and are governed by this law as if the Real Estate Commissioner had heretofore administered the prior law relating to real estate syndicate securities.

SEC. 5. This act shall become operative on January 2, 1970.

CHAPTER 929

An act to amend Section 25353 of the Government Code, relating to counties.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 25353 of the Government Code is amended to read:

25353. The board may purchase, receive by donation, lease, or otherwise acquire water rights or real or personal property necessary for use of the county for any county buildings, public pleasure grounds, public parks, botanical gardens, harbors, historical monuments, and other public purposes, or upon which to sink wells to obtain water for sprinkling roads and other county purposes. The board may improve, preserve, take care of, manage, and control the property. Whenever a county has been designated a successor to a harbor improvement district pursuant to Division 1 (commencing with Section 56000) of Title 6 the board of supervisors shall have the same powers and duties as the former board of directors of such district with respect to the acquisition, improvement, and management of harbors or public beaches within the county.

CHAPTER 930

An act to amend Sections 6896 and 6897 of, and to repeal and add Article 6.5 (commencing with Section 6904) of Chapter 8 of Division 3 to, the Business and Professions Code, relating to collection agencies.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 6896 of the Business and Professions Code is amended to read:

6896. The bond shall be conditioned that the principal shall and will, upon demand in writing, pay and turn over to or for the use of any customer from whom any claim is taken or received for collection the proceeds of the collection, in accordance with the terms of the agreement made between the principal and the customer, and conditioned that the principal will comply with all requirements of this or any other statute now in force or hereafter enacted and any rules and regulations established under this chapter with respect to the duties, conduct, obligations and liabilities of licensees, and conditioned that, in the event that a conservator is appointed pur-

suant to a determination made under Section 6904, and such determination becomes final, the principal shall and will pay the fee and expenses of the conservator as determined pursuant to the provisions of Section 6904.4, and subject to the limitation as to amount contained therein.

SEC. 2. Section 6897 of the Business and Professions Code is amended to read:

6897. The bond shall cover the fee and expenses payable to a conservator as provided in Section 6904.4, and shall cover all claims collected and property converted by the licensee during the term of the license covered by the bond.

The aggregate liability of the surety for any and all claims which arise under the bond shall in no event exceed the amount of the penalty of the bond.

SEC. 3. Article 6.5 (commencing with Section 6904) of Chapter 8 of Division 3 of the Business and Professions Code is repealed.

SEC. 4. Article 6.5 (commencing with Section 6904) is added to Chapter 8 of Division 3 of the Business and Professions Code, to read:

Article 6.5. Conservator

6904. If the director determines that a licensee has failed to pay sums owed to a customer, has misappropriated trust funds, or is insolvent, he may appoint a conservator to take possession of the licensee's books, accounts, records, papers, files, safes, vaults, property, and other assets used in connection with the business, and the trust bank account in which customer funds are deposited.

6904.1. If the licensee disagrees with the determination of the director made pursuant to Section 6904, he may request a hearing. The request for a hearing shall be made in writing within 10 days after the appointment of the conservator. If a hearing is requested, it shall be held within 30 days after the receipt by the director of the request. The hearing shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

6904.2. If a hearing is requested, the licensee may continue the operation of the collection agency under the direction and control of the conservator. The conservator shall be responsible for the preservation of all assets until a decision has been rendered by the director after the conclusion of the hearing and until all recourse to the courts has been exhausted or abandoned.

6904.3. If no hearing is requested, or if a decision becomes final determining that the licensee has failed to pay sums owed to a customer, that the licensee has misappropriated trust funds, or that the licensee is insolvent, the conservator shall do all of the following:

(a) Determine the names and addresses of all customers as shown by the books, accounts, records, and papers of the licensee.

(b) Compile records on all assigned accounts showing amounts paid and amounts still owed or due. This shall include all accounts pending in litigation or on which judgments have been secured.

(c) Notify all customers of the appointment of the conservator and of the accounts outstanding according to the books and records. Each customer shall be requested to notify the conservator of any accounts assigned which do not appear in the books and records and of any moneys paid by the licensee on such accounts. Each customer shall also be requested to advise the conservator if the accounts shown on the books and records are incorrect insofar as moneys paid to the customer on such accounts is concerned.

(d) Return all uncollected accounts to the assignor creditor advising of amounts paid by debtors on all unsatisfied accounts or solicit bids from any licensed and qualified persons in the state for the right to solicit the accounts owned by the licensee and accept such bid as he may consider to be in the best interests of all customers.

(e) Fix a time limit, not to exceed four months from the date of the notification provided for in subdivision (c), during which a customer may file a claim with him. All such claims shall be verified under oath by the customer. If a customer fails to file a verified claim with the conservator during the time limit, the conservator shall be relieved of further duty or action hereunder on behalf of such customer.

(f) Notify the bank where trust funds are on deposit that a conservator has been appointed and that the trust funds shall be held for the benefit of creditors. Such notification shall be subscribed by the director and shall bear the seal of the bureau. The receipt of such notification by a bank shall relieve it from all liability to the licensee or his heirs or assigns.

(g) Make a demand upon the surety after ascertaining all claims in the manner set forth in this section. The conservator shall have the power to settle or compromise such claims with the surety and may, in such case, execute and deliver a release and discharge of the bond involved.

(h) Bring an action on the bond if the surety refuses to pay the amount demanded pursuant to subdivision (g). If the recovery in such action, together with any funds that may be in the trust bank account, is not sufficient to pay all of the claims as finally determined, the amount recovered thereon shall be divided pro rata among such claimants.

(i) File with a bank having custody of any money or indebtedness due to the licensee in any bank account used in connection with the licensed business an affidavit showing the right of the conservator to receive such money or indebtedness under the provisions of this chapter. The receipt of such con-

servator shall constitute sufficient acquittance for any payment of money made pursuant to the provisions of this article and shall fully discharge the bank from any further liability with reference thereto without the necessity of inquiring into the truth of the facts stated in the affidavit.

(j) File with the director a final accounting which covers the period of his receivership. Upon such filing the director may discharge the conservator and release him from his duties.

Nothing contained in this section shall be construed to prevent any person claiming to be injured by the fraud, deceit, or willful negligence of a licensee, or by failure of a licensee to comply with the provisions of this chapter or any rule or regulation established thereunder, from bringing an action upon the bond against both principal and surety in any court of competent jurisdiction to recover damages caused by such fraud, deceit, willful negligence, or failure to comply with the provisions of this chapter or any rule or regulation established thereunder.

6904.4. The conservator shall be entitled to reimbursement for his traveling expenses in accordance with rules and regulations of the State Board of Control, and to reimbursement in an amount equal to the reasonable value, as determined by the director, of all other expenses, including but not limited to expenses for legal or secretarial services, reasonably and necessarily incurred by him in carrying out his duties under this article, and shall be entitled to a reasonable fee for his services in an amount fixed by the director.

If the determination of the director made pursuant to Section 6904 is reversed, the fee and expenses of the conservator shall be paid by the state out of the Collection Agency Fund. If the determination is not reversed and becomes final, the fee and expenses of the conservator shall be paid by the licensee and shall be a first claim, as against customers of the licensee, against the assets of the licensee.

If the fee and expenses or any part thereof are not paid by the licensee within 10 days after the amount of such fee and expenses is fixed and determined by the director, the fee and expenses, or the unpaid amount thereof shall be paid out of the bond of the licensee, except that no more than two thousand five hundred dollars ($2,500) shall be paid out of the bond for such fee and expenses. The conservator's claim against the bond for his fee and expenses shall have priority over any other claim against the bond, regardless of when such other claim may have been made, except to the extent that such other claim may have been paid and satisfied before notice to the bonding company of the appointment of the conservator.

If the total amount of the conservator's fee and expenses exceeds the amount realized by him from the licensee and from the bond, the balance thereof shall be paid by the state out of the Collection Agency Fund.

6904.6. At the time of his appointment, the conservator shall be required to post a bond with the director in such amount and upon such conditions as the director may prescribe.

SEC. 5. Any receivership proceedings commenced under Article 6.5 (commencing with Section 6904) of Chapter 8 of Division 3 of the Business and Professions Code prior to the effective date of this act shall continue to be governed by the provisions of such article as they existed prior to the effective date of this act.

CHAPTER 931

An act to amend Section 933.5 of the Penal Code, relating to grand juries.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 933.5 of the Penal Code is amended to read:

933.5. A grand jury may at any time examine the books and records of any special-purpose assessing or taxing district located wholly or partly in the county, and, in addition to any other investigatory powers granted by this chapter, may investigate and report upon the method or system of performing the duties of such district.

CHAPTER 932

An act to amend Section 65302 of the Government Code, relating to flooding.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 65302 of the Government Code is amended to read:

65302. The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

(a) A land use element which designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of

land. The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall also identify areas covered by the plan which are subject to flooding and shall be reviewed annually with respect to such areas.

(b) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities, all correlated with the land use element of the plan.

(c) A housing element consisting of standards and plans for the improvement of housing and for provision of adequate sites for housing. This element of the plan shall endeavor to make adequate provision for the housing needs of all economic segments of the community.

CHAPTER 933

An act to amend Section 30462 of the Revenue and Taxation Code, relating to cigarette tax revenues.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 30462 of the Revenue and Taxation Code is amended to read:

30462. All money deposited in the Cigarette Tax Fund under this part is hereby appropriated, subject to the provisions of any budget bill heretofore or hereafter enacted and Section 11006 of the Government Code, and shall, upon order of the State Controller, be drawn therefrom and allocated for the following purposes:

(a) To pay the refunds authorized by this part.

(b) To the Controller an amount not to exceed one hundred fifty thousand dollars ($150.000) in each fiscal year.

(c) For transfer to the credit of a special account in the General Fund, an amount equal to 30 percent of the money in the fund which is derived from taxes imposed on and after October 1, 1967, less 30 percent of the cost of administering this part, such money to be disbursed by the Controller on or before December 15, 1967, and on the 15th day of each month thereafter to each city and county in this state in the following manner:

(1) The money to be allocated pursuant to this subdivision shall first be divided into two separate accounts, one for the cities and counties and counties of this state and one for the cities of this state. In order to determine the amount of money

in each account, the Controller shall first determine the amount due each county, city and county and city in this state in the proportion that sales tax revenues transmitted pursuant to Part 1.5 (commencing with Section 7200) of this division to each such city, city and county and in the unincorporated territory of a county bear to the total of such revenue in the state. The amount due each county and city and county shall be allocated in accordance with this formula and the amount due each city shall be allocated pursuant to paragraph (2) or paragraph (3) of this subdivision.

(2) Upon the application of any city for an allocation pursuant to this paragraph, the Controller shall determine the amount of revenue derived from the city's selective local tax on, or with respect to, the sale, distribution, use, consumption, or holding of cigarettes or any other tobacco product during the 1966–67 fiscal year, or which would have been derived from such tax if the rate in effect on August 1, 1967, had been in effect throughout such fiscal year. This amount shall be adjusted, beginning on July 1, 1969, by the percentage by which the cigarette tax revenues have increased or decreased. For the 1969–1970 fiscal year the percentage shall be derived by comparing the revenues deposited in the Cigarette Tax Fund during the period January 1 through June 30, 1969, with those deposited during the period January 1 through June 30, 1968. For the 1970–1971 fiscal year and each fiscal year thereafter, the percentage shall be derived by comparing revenues deposited in the Cigarette Tax Fund during the preceding fiscal year with those deposited during the entire 1968–1969 fiscal year. The amount computed after applying the percentage factor shall then be reduced by deducting the cost to the city of administering and collecting any such tax for the 1966–1967 fiscal year. If such amount, when divided by 12, is more than the amount which would be disbursed to the city at the time of the next allocation pursuant to paragraph (3) of this subdivision, an amount equal to the amount which such city would have netted from its own tax shall be allocated to such city each month pursuant to this paragraph from the account established for cities in paragraph (1), and no allocation shall be made to such city pursuant to paragraph (3) until such time as the city rescinds its right to receive an allocation under this paragraph. A city which has rescinded such right may not, thereafter, file another application for an allocation pursuant to this paragraph. No city shall be eligible for a subvention pursuant to this paragraph unless, on August 1, 1967, it in fact imposed a selective local tax on, or with respect to, the sale, distribution, use, consumption or holding of cigarettes or any other tobacco product.

(3) (A) After making any allocations required by paragraph (2) of this subdivision, 50 percent of the revenue remaining in the account for the cities of this state shall be al-

located to the remaining cities in the proportion that sales tax revenues transmitted pursuant to Part 1.5 (commencing with Section 7200) of this division to each remaining city bears to the total of such revenue transmitted to all remaining cities.

(B) Fifty percent thereof shall be paid to the cities receiving an allocation under this paragraph in the proportion that the population of each such city bears to the total population of all cities in this state receiving an allocation under this paragraph, as determined by the Controller. For the purpose of this subdivision the population of each city is that determined by the Controller in the manner specified in Section 11005 of this code.

(d) The balance remaining in the fund shall be transferred to the General Fund of this state.

The allocation provided for in subdivision (c) shall not be made to any county, or city which, after October 1, 1967, imposes a selective local tax on, or with respect to, the sale, distribution, use, consumption, or holding of cigarettes or any other tobacco product.

Moneys disbursed pursuant to subdivision (c) of this section may be used for county, city and county, or city purposes, and may, but need not necessarily, be used for purposes of general interest and benefit to the state.

SEC. 2. Section 1 of this act shall apply to revenues derived from taxes imposed pursuant to the Cigarette Tax Law on and after January 1, 1970.

CHAPTER 934

An act to amend Section 30065 of the Water Code, relating to county water districts.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 30065 of the Water Code is amended to read:

30065. The inclusion in, or annexation or addition to, a county water district, of all or any part of the corporate area of any public corporation or public agency, shall not destroy the identity or legal existence or impair the powers of any such public corporation or public agency, notwithstanding the identity of purpose, or substantial identity of purpose, of such county water district.

No public corporaton or public agency having identity of purpose or substantial identity of purpose shall be formed partly or entirely within a county water district existing under the provisions of this code without the consent of such county

water district. Nothing in this section shall be construed to prohibit any city from annexing territory within a county water district without the consent of such county water district.

All county water districts heretofore formed partly or entirely within another county water district previously existing under the provisions of this code, with or without the consent of such previously existing county water district and for a purpose not then actually exercised, or to provide a service not then provided by said previously existing county water district, are hereby declared to be valid and legally existing districts.

CHAPTER 935

An act to amend Section 5652 of the Government Code, relating to contracts concerning public securities.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 5652 of the Government Code is amended to read:

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) such contract is entered into with any person engaged in the business of rating public securities and distributing information concerning such rating to the public, unless such contract provides that no rating will thereafter be given or assigned for a period of two years by such person on any security issued, or to be issued, by said public body or any entity to which it is a party; (2) 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 (3) the contract fails to provide that it is for personal services and nonassignable. Nothing in this section shall prohibit any public body from entering into a contract solely for a rating

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CHAPTER 936

An act to Amend Section 1327 of the Education Code, relating to school district elections.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 1327 of the Education Code is amended to read:

1327. If, immediately following the last time for filing pursuant to Section 1114 of the Education Code, only one person has been nominated for each position of governing board member to be filled at that election or no person has been nominated for any such position, 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.

For purposes of this section it shall be deemed that there is only one candidate for each position of governing board member to be filled when there is more than one such position to be filled from a list of candidates for all such positions collectively and the number of candidates does not exceed the number of positions to be filled; to the extent that the number of such positions exceeds the number of candidates therefor, it shall be deemed that no person has been nominated.

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.

For purposes of this section and Sections 1328, 1329 and 1330 of the Education Code, "nominated" or "nomination" includes becoming a candidate by a declaration of candidacy.

CHAPTER 937

An act to amend Sections 11870, 11871, 11872, 11873, and 11874 of the Education Code, relating to public school pupils.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 11870 of the Education Code is amended 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. The governing board of any school district may provide, without charge or at a reduced price, other nutrition periods during the schoolday during which foods or beverages, or both, are served to pupils.

For purposes of this article a pupil who is "needy" is one who does not otherwise receive proper nourishment.

As used in this article "school meals" includes breakfasts, lunches, or the serving of foods or beverages, or both, during other nutrition periods, or any combination thereof.

SEC. 2. Section 11871 of the Education Code is amended to read:

11871. The governing board of any school district may, for purposes of Section 11870, establish rules by which to determine which pupils are needy.

SEC. 3. Section 11872 of the Education Code is amended to read:

11872. For the purpose of providing funds with which to obtain school meals 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. 4. Section 11873 of the Education Code is amended to read:

11873. District funds may also be used for the purchase of school meals for pupils, as provided in Section 11870.

SEC. 5. Section 11874 of the Education Code is amended 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 school meals 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 938

An act to amend Section 3120 of, and to add Section 3123 to, the Government Code, relating to air travel insurance.

[Approved by Governor August 23, 1969 Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 3120 of the Government Code is amended to read:

3120. As used herein "local agency" means a county, city and county, city, school district, office of county superintendent of schools, or other special district.

SEC. 2. Section 3123 is added to the Government Code, to read:

3123. The office of county superintendent of schools may carry a master policy for air travel insurance on behalf of the school districts of the county.

CHAPTER 939

An act to add Section 15912.1 to the Elections Code, relating to punchcard voting systems.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 15912.1 is added to the Elections Code, to read:

15912.1. If an official ballot consisting of one or more individual ballot cards upon which the names of candidates and measures are printed is used for absent voting, the two stubs specified in Section 15710 may be eliminated from the ballot cards by printing a group style number on each card and by printing the information required by subdivisions (c) and (d) of Section 15710 on a separate form accompanying the official ballot.

CHAPTER 940

An act to amend Sections 3706, 3707, 4008, 4009, 4009.1, 4009.2, 4011, 4012, 4051, 4051.1, 4051.2, 4052, 27204, 27205, 27501, 27510, 27510.1, 27510.2 and 27511 of, and to add Sections 3706.5 and 27204.5 to the Elections Code, relating to city and county petitions.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 3706 of the Elections Code is amended to read:

3706. Signatures shall be secured and the petition shall be presented to the county clerk for filing within 180 days from the date of the first publication of the notice of intention.

SEC. 2. Section 3706.5 is added to the Elections Code, to read:

3706.5. Upon physical submission of the petition for filing, the clerk shall count the number of signatures appearing thereon, disregarding any signature which does not bear in close proximity thereto the date of such signature, the address given for such person and the name or number of the precinct in which the signer resides. If from the foregoing the clerk determines that the number of signatures, prima facie, equals or is in excess of the minimum number of signatures, the clerk shall accept the petition for filing and it shall be deemed filed as of the date of the clerk's determination. Any petition not so filed shall be returned to the proponents of the measure.

SEC. 3. Section 3707 of the Elections Code is amended to read:

3707. Within 30 days from the date of filing the petition, the county clerk shall examine the petition, and from the records of registration ascertain whether or not the petition is signed by the requisite number of voters. He shall attach to the petition his certificate showing the result of his examination. If the county clerk's certificate shows the petition to be insufficient, a supplemental petition, in form a duplicate of the original petition, bearing additional signatures, may be filed within 10 days of the date of the certificate of insufficiency. The county clerk shall, within 10 days after the supplemental petition is filed, examine it, and if his certificate shows that the signatures to the petition are still insufficient, no action shall be taken on the petition. The petition shall remain on file as a public record for a period of two years from the date of the final certificate, and the failure to secure sufficient signatures shall not prejudice the filing later of an entirely new petition to the same effect. If the petition together with supplementary petitions, if any, is found to be sufficient, the county clerk shall submit it to the board of supervisors at the next regular meeting of the board.

SEC. 4. Section 4008 of the Elections Code is amended to read:

4008. Upon physical submission of the petition or sections thereof to the clerk of the legislative body, the clerk shall examine the same to determine whether the same qualifies for filing, as follows:

(1) The clerk shall ascertain the number of registered voters of the city last officially reported to the Secretary of State by the county clerk; and

(2) The clerk shall count the number of signatures appearing upon the petition, disregarding any signature which does not bear in close proximity thereto, the date of such signature, the address given for such person and the name or number of the precinct in which the signer resides. If from the foregoing the clerk determines that the number of signatures, prima

facie, equals or is in excess of the minimum number of signatures required by this article, the clerk shall accept the same for filing and it shall be deemed filed as of the date of the clerk's determination. Any petition not so filed shall be returned to the proponents of the measure.

SEC. 5. Section 4009 of the Elections Code is amended to read:

4009. (a) After the petition has been filed, as herein provided, the clerk shall examine the same to determine:

(1) Whether each signature appearing thereon is the genuine signature of the person whose name the same purports to be; and

(2) Whether, as of the date of the filing of the petition, based upon an examination of the records of voters registration, that each person who placed his signature on said petition was, in fact, a registered qualified voter of the city as of the date of such filing; and

(3) Whether each signature bears, in immediate proximity thereto, a date, a street address and a precinct name or number as hereinabove described.

(b) If any signature appearing on the petition is undated or bears a date which is prior or subsequent to the time during which signatures may be placed upon such petition or appears to be a duplicate signature, the clerk shall disregard such signature. If any signature does not bear in close proximity thereto, a residence address and precinct designation as hereinabove defined, such signature shall be disregarded. If it appears that a date and address following any signature was placed there by a person other than the signer, such signature shall be disregarded.

SEC. 6. Section 4009.1 of the Elections Code is amended to read:

4009.1. The clerk's examination process shall be completed not later than thirty (30) days from the date of the filing of the petition. The clerk shall attach to the petition a certificate showing the result of the examination, and the said petition and certificate shall be presented to the legislative body of the city at the next regular meeting thereof. The clerk shall, within five (5) days after his certification, forward a copy of such certification to each of those proponents of the initiative, who signed the notice of intention pursuant to Section 4002.

SEC. 7. Section 4009.2 of the Elections Code is amended to read:

4009.2. If the clerk's certification prepared pursuant to Section 4009.1 shows that the petition is insufficient by reason of the failure to obtain sufficient valid signatures thereon, a supplemental petition, in form a duplicate of the original petition, bearing new additional signatures, may be filed within thirty (30) days of the mailing of the certificate of insufficiency to the proponents of the initiative. Supplemental petitions shall be processed by the clerk in the same manner as set forth herein with respect to original petitions.

SEC. 8. Section 4011 of the Elections Code is amended to read:

4011. If the initiative petition is signed by not less than 15 percent of the voters of the city according to the county clerk's last official report of registration to the Secretary of State, or in a city with 1,000 or less registered voters the signatures of 25 percent of the voters or 100 voters of the city, whichever is the lesser number, and contains a request that the ordinance be submitted immediately to a vote of the people at a special election, the legislative body shall either:

(a) Introduce the ordinance without alteration at the regular meeting at which it is presented and adopt the ordinance within 10 days after it is presented; or

(b) Immediately order a special election, to be held not less than 60 nor more than 75 days after the date of the order, at which the ordinance, without alteration, shall be submitted to a vote of the voters of the city.

SEC. 9. Section 4012 of the Elections Code is amended to read:

4012. If the initiative petition is signed by not less than 10 percent of the voters of the city according to the county clerk's last official report of registration to the Secretary of State, or in a city with 1,000 or less registered voters by the signatures of 25 percent of the voters or 100 voters of said city, whichever is the lesser number, and the ordinance petitioned for is not required to be, or for any reason is not, submitted to the voters at a special election, and is not passed without change by the legislative body, then the ordinance, without alteration, shall be submitted by the legislative body to the voters at the next regular municipal election occurring at least 45 days after the order of the legislative body.

SEC. 10. Section 4051 of the Elections Code is amended to read:

4051. If a petition protesting against the adoption of an ordinance is submitted to the clerk of the legislative body of the city within 30 days of the adoption of the ordinance and is signed by not less than 10 percent of the voters of the city according to the county clerk's last official report of registration to the Secretary of State, or, in a city with 1,000 or less registered voters, is signed by not less than 25 percent of the voters or 100 voters of the city whichever is the lesser, the effective date of the ordinance shall be suspended, and the legislative body shall reconsider the ordinance.

SEC. 11. Section 4051.1 of the Elections Code is amended to read:

4051.1. Upon physical submission of the petition or sections thereof to the clerk of the legislative body, the clerk shall examine the same to determine whether the same qualifies for filing, as follows:

(1) The clerk shall ascertain the number of registered voters of the city last officially reported to the Secretary of State by the county clerk; and

(2) The clerk shall count the number of signatures appearing upon the petition, disregarding any signature which does not bear in close proximity thereto, the date of such signature, the address given for such person and the name or number of the precinct in which the signer resides. If from the foregoing the clerk determines that the number of signatures, prima facie, equals or is in excess of the minimum number of signatures required by this article, the clerk shall accept the same for filing and it shall be deemed filed as of the date of the clerk's determination. Any petition not so filed shall be returned to the proponents of the referendum.

SEC. 12. Section 4051.2 of the Elections Code is amended to read:

4051.2. (a) After the petition has been filed, as herein provided, the clerk shall examine the same to determine:

(1) Whether each signature appearing thereon is the genuine signature of the person whose name the same purports to be; and

(2) Whether, as of the date of the filing of the petition, based upon an examination of the records of voters registration, that each person who placed his signature on said petition was, in fact, a registered qualified voter of the city as of the date of such filing; and

(3) Whether each signature bears, in immediate proximity thereto, a date, a street address and a precinct name or number as hereinabove described.

(b) If any signature appearing on the petition is undated or bears a date which is prior or subsequent to the time during which signatures may be placed upon such petition, the clerk shall disregard such signature. If any signature does not bear in close proximity thereto, a residence address and precinct designation as hereinabove defined, such signature shall be disregarded. If it appears that a date and address following any signature was placed there by a person other than the signer, such signature shall be disregarded.

SEC. 14. Section 4052 of the Elections Code is amended to read:

4052. If the legislative body does not entirely repeal the ordinance against which the petition is filed, the legislative body shall submit the ordinance to the voters, either at a regular municipal election occurring at least 45 days after the order of the legislative body or at a special election called for the purpose and held not less than 60 nor more than 75 days after the date of the order. The ordinance shall not become effective until a majority of the voters voting on the ordinance vote in favor of it. If the legislative body repeals the ordinance or submits the ordinance to the voters and a majority of the voters voting on the ordinance do not vote in favor of it, the ordinance shall not again be enacted by the legislative body for a period of one year after the date of its repeal by the legislative body or disapproval by the voters.

SEC. 15. Section 27204 of the Elections Code is amended to read:

27204. Petitions demanding the recall of an officer of a county or district shall indicate the date of each signature thereon.

No such petition is valid for the purpose for which it was circulated after the expiration of 180 days from the date the first signature was affixed thereto, unless it has been presented to the county clerk for filing in accordance with the provisions of this code.

SEC. 16. Section 27204.5 is added to the Elections Code, to read:

27204.5. Upon physical submission of the petition for filing, the clerk shall count the number of signatures appearing thereon, disregarding any signature which does not bear in close proximity thereto the date of such signature, the address given for such person and the name or number of the precinct in which the signer resides. If from the foregoing the clerk determines that the number of signatures, prima facie, equals or is in excess of the minimum number of signatures, the clerk shall accept the petition for filing and it shall be deemed filed as of the date of the clerk's determination. Any petition not so filed shall be returned to the proponents of the measure.

SEC. 17. Section 27205 of the Elections Code is amended to read:

27205. Within 30 days from the date on which the petition is filed, the county clerk shall examine and from the records of registration ascertain whether or not the petition is signed by the requisite number of voters. He shall attach to the petition his certificate showing the result of his examination. If the county clerk's certificate shows the petition to be insufficient, a supplemental petition, in form a duplicate of the original petition, bearing additional signatures may be filed within 10 days of the date of the certificate of insufficiency. The county clerk shall, within 10 days after the supplemental petition is filed, examine it, and if his certificate shows that the petition is still insufficient, no action shall be taken thereon. The petition shall remain on file as a public record for a period of two years from the date of the final certificate and the failure to secure sufficient signatures shall not prejudice the filing later of an entirely new petition to the same effect.

SEC. 18. Section 27501 of the Elections Code is amended to read:

27501. A petition demanding the recall of the officer sought to be recalled shall be submitted to the clerk of the legislative body of the city. The petition shall be signed by not less than 25 percent of the voters of the city according to the county clerk's last official report of registration to the Secretary of State,

SEC. 19. Section 27510 of the Elections Code is amended to read:

27510. Upon physical submission of the petition or sections thereof to the clerk of the legislative body, the clerk shall examine the same to determine whether the same qualifies for filing, as follows:

(1) The clerk shall ascertain the number of registered voters of the city last officially reported to the Secretary of State by the county clerk; and

(2) The clerk shall count the number of signatures appearing upon the petition, disregarding any signature which does not bear in close proximity thereto the date of such signature, the address given for such person and the name or number of the precinct in which the signer resides. If from the foregoing the clerk determines that the number of signatures, prima facie, equals or is in excess of the minimum number of signatures required by this article, the clerk shall accept the same for filing and it shall be deemed filed as of the date of the clerk's determination. Any petition not so filed shall be returned to the proponents of the recall.

SEC. 20. Section 27510.1 of the Elections Code is amended to read:

27510.1. (a) After the petition has been filed, as herein provided, the clerk shall examine the same to determine:

(1) Whether each signature appearing thereon is the genuine signature of the person whose name the same purports to be; and

(2) Whether, as of the date of the filing of the petition, based upon an examination of the records of voters registration, that each person who placed his signature on said petition was, in fact, a registered qualified voter of the city as of the date of such filing; and

(3) Whether each signature bears, in immediate proximity thereto, a date, a street address and a precinct name or number as hereinabove described.

(b) If any signature appearing on the petition is undated or bears a date which is prior or subsequent to the time during which signatures may be placed upon such petition, the clerk shall disregard such signature. If any signature does not bear, in close proximity thereto, a residence address and precinct designation as hereinabove defined, such signature shall be disregarded. If it appears that a date and address following any signature was placed there by a person other than the signer, such signature shall be disregarded.

SEC. 21. Section 27510.2 of the Elections Code is amended to read:

27510.2. The clerk's examination process shall be completed not later than thirty (30) days from the date of the filing of the petition. The clerk shall attach to the petition a certificate showing the result of the examination, and the said petition

and certificate shall be presented to the legislative body of the city at the next regular meeting thereof. The clerk shall, within five (5) days after his certification, forward a copy of such certification to each of those proponents of the recall, who signed the notice of intention pursuant to Section 27504.

SEC. 22. Section 27511 of the Elections Code is amended to read:

27511. If the clerk's certification prepared pursuant to Section 27510.2 shows that the petition is insufficient by reason of the failure to obtain sufficient valid signatures thereon, a supplemental petition, in form a duplicate of the original petition, bearing new additional signatures, may be filed within thirty (30) days of the mailing of the certificate of insufficiency to the proponents of the recall. Supplemental petitions shall be processed by the clerk in the same manner as set forth herein with respect to original petitions.

CHAPTER 941

An act to amend Section 10603 of the Education Code, relating to suspension or expulsion of pupils.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 10603 of the Education Code is amended to read:

10603. For the protection of other pupils in the public school, the governing board of any school district may suspend or expel, and the superintendent or a principal of any school district when previously authorized by the governing board may suspend, a pupil whenever it is established to the satisfaction of the board or the superintendent or principal, respectively, that the pupil has on school premises or elsewhere used, sold, or been in possession of narcotics or other hallucinogenic drugs or substances, or has inhaled or breathed the fumes of, or ingested, any poison classified as such by Schedule "D" in Section 4160 of the Business and Professions Code.

Every sheriff or chief of police, upon the arrest of any juvenile who is in attendance in a public school for using, selling or possessing narcotics or other hallucinogenic drugs or substances, or for having inhaled or breathed the fumes of, or ingested, any poison classified as such in Section 4160 of the Business and Professions Code, shall immediately give written notice to the superintendent of the school district of attendance.

CHAPTER 942

An act to add Article 5 (commencing with Section 21690.20) to Chapter 4 of Part 1 of Division 9 of the Public Utilities Code, relating to airports.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Article 5 (commencing with Section 21690.20) is added to Chapter 4 of Part 1 of Division 9 of the Public Utilities Code, to read:

Article 5. Los Angeles International Airport Relocation and Development

21690.20. The Legislature hereby finds that Los Angeles International Airport is one of the important air terminals of the world, making a significant contribution daily to the economy of California.

Since 1959, jet air traffic at the airport has increased from 80 flights daily to nearly 1,000 daily. This increasing air traffic and necessary expansion of airport facilities has had an adverse affect on the residents of the surrounding areas. Expansion and development has and is expected to require the acquisition of many homes in the vicinity of the airport and has rendered other homes in areas subjected to aircraft noise nearly uninhabitable. Property owners in the vicinity of the airport are either unable to sell their homes or able to sell only at depressed market prices. Under present laws, the Department of Airports of the City of Los Angeles is required only to pay homeowners "fair market value" for their property. With increasing property costs and current high interest rates, it is impossible for a homeowner to purchase a comparable dwelling in a comparable residential area for amounts now being paid as "fair market value."

The City Council of the City of Los Angeles has initiated this legislation to enable the city to (1) assist displaced homeowners to relocate in comparable residential areas and housing, (2) provide, where available, replacement housing acceptable to affected homeowners, and (3) purchase affected homes to compensate homeowners for the depressed values of their property.

There is precedent for the provision of replacement housing, where available, in Chapter 953 of the Statutes of 1968, by which the Department of Public Works is authorized to provide relocation assistance and replacement housing to certain individuals and families displaced because of construction of certain state highway projects. Further, there is precedent for relocation payments to compensate certain homeowners in

Public Law 90-495 and in Chapter 3 of the Statutes of 1968, First Extraordinary Session.

21690.21. Unless the context otherwise requires, the following definitions shall govern the construction of this article:

(a) "Airport" means Los Angeles International Airport.

(b) "Department" means the Department of Airports, City of Los Angeles.

(c) "Mayor" means the Mayor of the City of Los Angeles.

(d) "Board" means the Los Angeles International Airport Property Acquisition Board.

21690.22. Notwithstanding any other provision of law, the department is authorized to:

(a) Assist homeowners displaced by the expansion of the airport to relocate in comparable residential areas and housing.

(b) Provide, where available, replacement housing acceptable to affected homeowners.

(c) Purchase affected property to compensate homeowners for the depressed values of their property as a result of the proximity of the airport to enable such homeowners to purchase comparable housing under more normal market conditions.

21690.23. The department is authorized to expend any available funds, including state and federal funds, for the purpose of purchasing homes from homeowners displaced by the expansion of the airport and relocating or providing suitable replacement housing for such persons, notwithstanding any other provision of law.

21690.24. Upon establishment of a program for additional payments to homeowners by the department pursuant to this article, and in the event that property is acquired for the expansion of the airport, the affected property owners may petition as provided in Section 21690.26 for the payment of additional compensation for the depressed value of the affected property resulting from the presence and operation of the airport, provided that such owner has not previously recovered any sums in the nature of an inverse condemnation award by reason of the presence and operation of the airport.

21690.25. Upon establishment by the department of a program for such additional compensation, the mayor shall appoint, subject to the approval of the city council, five persons who shall constitute the board.

21690.26. The members of the board shall serve at the pleasure of the mayor, and any action taken by a majority thereof shall constitute the action of the board. The board shall hear petitions from homeowners dislocated by reason of airport expansion and operations for amounts to be paid in excess of market value of affected property. The board shall establish procedures for the conduct of its business.

21690.27. The Board of Airport Commissioners of the City of Los Angeles is directed to pay any sum awarded by the board pursuant to Section 21690.26.

21690.28. The provisions of this article are available only to persons who own residential property condemned or sold for airport purposes.

21690.29. If any provision of this article or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the article which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

CHAPTER 943

An act to amend Section 32100.1 of the Health and Safety Code, relating to hospital districts.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 32100.1 of the Health and Safety Code is amended to read:

32100.1. A petition for election of directors by zones may be signed and filed with the board of directors by registered voters residing within a local hospital district, equal in number to at least 15 percent of the number of votes cast in that district for the office of Governor at the last preceding election at which a Governor was elected. Upon receipt of this petition the board of directors shall, by resolution, divide the local hospital district into five zones and number the zones consecutively from 1 to 5. In establishing these zones the board of directors shall provide for representation in accordance with population and geographic factors of the entire area of the local hospital district. The board of directors shall fix the time and place for a hearing on the proposed establishment of zones. At this hearing any elector of the district may present his views and plans in relation to the proposed zoning, but the board of directors shall not be bound thereby and their decision, in the resolution adopted, shall be final.

After the hearing and final determination by the board of directors the board shall then prepare a measure to be printed on the ballots used at the next general hospital district election, or at a special election to be held for that purpose. The measure shall be printed on the ballots substantially as follows:

"Shall members of the board of directors be elected by zones, as described in the resolution of the board of directors dated _____?", with the words "Yes" and "No" so printed in connection therewith that the voters may express their choice.

The county clerk of the organizing county shall accept arguments for and against the measure to be mailed to each registered voter in the district, in accordance with the procedure in Article 3 (commencing with Section 3780) of Chapter 2 of Division 4 of the Elections Code.

The returns of such election shall be canvassed and declared as at other general hospital district elections, and if it appears that a majority of the votes cast in such election are in favor of said measure the board of directors shall by resolution declare the zones established and shall describe the boundaries of the zones. At the expiration of the terms of office of the members of the board of directors then in office, and thereafter, such members of the board of directors shall be elected by zones. If, at the expiration of said terms of office, three members of the board of directors are to be elected, those three members shall be elected from the zones designated by odd numbers; if two members are to be elected, those two members shall be elected from zones designated by even numbers.

One member of the board of directors shall be elected by the electors of each of the zones. No person shall be eligible to hold the office of member of the board of directors unless he shall have resided in the zone from which he is elected for 90 days next preceding the date of the election.

The formation of a local hospital district may provide for the election of members of the board of directors by zones as above provided for by substantially including in the petition for formation the provisions hereinabove required to be included in such measure, in which event it shall not be necessary to hold the election above provided for, and the members of the board of directors shall be elected from the zones as described in said petition, except that the first board of directors shall be appointed, upon the formation of the district, by the board of supervisors of the county in which the land or a greater part of the land in the district is situated. One member shall be appointed from each zone.

The terms of the members of the first board of directors appointed under the provisions of this section shall be determined as follows:

The members appointed from the zones designated by odd numbers in the petition shall hold office for four years and the members appointed from the zones designated by even numbers in the petition shall hold office for two years. Thereafter, the term of office for all members shall be four years.

Any vacancy upon the board shall be filled by appointment by the remaining members of the board, from the zone left unrepresented on the board of directors. Any person appointed to fill such vacancy shall hold office for the unexpired term.

CHAPTER 944

An act to add Section 1318.1 to the Penal Code, relating to release on own recognizance.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 1318.1 is added to the Penal Code, to read:

1318.1. A court may, with the concurrence of the board of supervisors, employ an investigative staff for the purpose of recommending whether a defendant should be released on his own recognizance.

The salaries of such staff are a proper charge against the county.

CHAPTER 945

An act to add Article 1.6 (commencing with Section 21330) to Chapter 5 of Division 16 of the Education Code, relating to school district cash funds.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Article 1.6 (commencing with Section 21330) is added to Chapter 5 of Division 16 of the Education Code, to read:

Article 1.6. School District Prepayment Funds

21330. The governing board of any school district may establish a revolving cash fund in any bank, whose deposits are insured by the Federal Deposit Insurance Corporation, for the purpose of paying bills as prescribed in Section 21331. The provisions of Article 1 (commencing with Section 21301) of this chapter shall not apply to the revolving cash fund established pursuant to this article.

The governing board may appropriate money from the county or joint school district fund in the county treasury belonging to the school district to establish the revolving cash fund.

The maximum amount in the revolving cash fund shall be as follows:

(a) In a school district with 20,000 or more units of average daily attendance, ten thousand dollars ($10,000).

(b) In a school district with 5,000 or more, but less than 20,000 units of average daily attendance, five thousand dollars ($5,000).

(c) In a school district with 500 or more, but less than 5,000 units of average daily attendance, two thousand five hundred dollars ($2,500).

(d) In a school district with less than 500 units of average daily attendance, one thousand dollars ($1,000).

21331. The governing board of any school district which has established a revolving cash fund pursuant to Section 21330 shall designate a person or persons who shall be authorized to make immediate payments by check, drawn on the revolving cash fund, for purchases in an amount of one hundred dollars ($100) or less.

A monthly list of such payments shall be submitted to the governing board by the designated person or persons for approval.

Upon approval of such expenditures by the governing board, the clerk of the governing board shall draw an order for the replenishment of the revolving cash fund from the county or joint school district fund in the county treasury belonging to the school district. Such order shall be treated in the same manner as prescribed for payment of other claims against the funds of the school district.

Any person who issues a check drawn on the revolving cash fund shall be personally liable for the amount of the check only if the expenditure is in violation of rules and regulations established by the governing board with respect to the revolving cash fund.

CHAPTER 946

An act to amend Section 662 of the Financial Code, relating to banks.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 27, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 662 of the Financial Code is amended to read:

662. A bank with the prior approval of the superintendent and after obtaining the approval of shareholders holding a majority of the shares of the bank evidenced either in a writing signed by the shareholders or by vote at a shareholders' meeting, at any time, may issue, sell or hypothecate its capital notes or debentures which may be payable upon such terms and may bear such rate of interest, if any, as may be provided therein or which may be convertible into stock with the approval of the superintendent. Such capital notes and debentures shall be subordinate to the claims of creditors and

depositors and it shall be provided in any such capital notes or debentures that in the event of liquidation all depositors and other creditors of the bank shall be entitled to be paid in full with such interest as may be provided by law before any payment shall be made on account of principal of or interest on said capital notes or debentures and may provide that after payment in full of all sums owing to such depositors and creditors the holders of such capital notes shall be entitled to be paid from the remaining assets of the bank the unpaid principal amount of the capital notes or debentures plus accrued and unpaid interest thereon before any payment or other distribution, whether in cash, property or otherwise, shall be made on account of any capital stock of the bank. It shall be provided in such capital notes or debentures that no payment shall at any time be made on account of the principal thereof, unless following such payment the aggregate of the capital, surplus, undivided profits, and capital notes or debentures thereafter outstanding shall be the equal of such aggregate at the date of the original issue of such capital notes or debentures, or as may be otherwise authorized by the superintendent.

Such capital notes or debentures shall not be deemed "capital," "paid-up capital," or "paid-in capital," as such terms are used in this division. However, such capital notes and debentures from time to time outstanding shall be deemed "capital," "paid-up capital," and "paid-in capital," as such terms are used in Article 2 (commencing with Section 1220) of Chapter 10, Article 2 (commencing with Section 1310) of Chapter 10a, and Article 3 (commencing with Section 1400) of Chapter 11, of this division.

CHAPTER 947

An act to amend Sections 12513 and 12514 of the Vehicle Code, relating to junior driving permits.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 28, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 12513 of the Vehicle Code is amended to read:

12513. (a) Upon application, successful completion of tests and compliance with Sections 17700 to 17705, inclusive, the department may issue a junior permit to any person 14 years of age, but less than 18, who establishes eligibility as required by this section. A person is eligible when, in the opinion of the department, any one or more of the following circumstances exist:

School or other transportation facilities are inadequate for regular attendance at school and at activities authorized by the school. The application for a junior permit shall be accompanied by a signed statement from the school principal verifying such facts. A junior permit issued under this subsection shall be restricted to operating a vehicle from residence to the school and return.

Reasonable transportation facilities are inadequate and operation of a vehicle by a minor is necessary due to illness of a family member. The application shall be accompanied by a signed statement from a physician familiar with the condition, containing a diagnosis and probable date when sufficient recovery will have been made to terminate the emergency.

Transportation facilities are inadequate, and use of a motor vehicle is necessary in the transportation to and from the employment of the applicant and the applicant's income from such employment is essential in the support of the family, or where the applicant's operation of a motor vehicle is essential to an enterprise from which an appreciable portion of the income of the family will be derived. The application shall be accompanied by a signed statement from the parents or the guardian, setting forth the reasons a permit is necessary under this subsection.

(b) The existence of public transportation at reasonable intervals within one mile of the residence of the applicant may be considered adequate grounds for refusal of a junior permit.

(c) The department shall impose restrictions upon junior permits appropriate to the conditions and area under which they are intended to be used.

SEC. 1.5. Section 12513 of the Vehicle Code is amended to read:

12513. (a) Upon application, successful completion of tests and compliance with Sections 17700 to 17705, inclusive, the department may issue a junior permit to any person 14 years of age, but less than 18, who establishes eligibility as required by this section. A person is eligible when, in the opinion of the department, any one or more of the following circumstances exist:

(1) School or other transportation facilities are inadequate for regular attendance at school and at activities authorized by the school. The application for a junior permit shall be accompanied by a signed statement from the school principal verifying such facts. A junior permit issued under this paragraph shall be restricted to operating a vehicle from residence to the school and return.

(2) Reasonable transportation facilities are inadequate and operation of a vehicle by a minor is necessary due to illness of a family member. The application shall be accompanied by a signed statement from a physician familiar with the condition, containing a diagnosis and probable date when sufficient recovery will have been made to terminate the emergency.

(3) Transportation facilities are inadequate, and use of a motor vehicle is necessary in the transportation to and from the employment of the applicant and the applicant's income from such employment is essential in the support of the family, or where the applicant's operation of a motor vehicle is essential to an enterprise from which an appreciable portion of the income of the family will be derived. The application shall be accompanied by a signed statement from the parents or the guardian, setting forth the reasons a permit is necessary under this subsection.

(4) Transportation facilities are inadequate, and use of a motor vehicle is necessary in the transportation to and from the employment or work program of the applicant where such applicant is a ward of the juvenile court, his employment or work program is in connection with a court-supervised rehabilitation program, and the court certifies to the department that the requirements of this paragraph have been met. A junior permit issued under this paragraph shall be restricted to operating a vehicle from residence to such employment or work program.

(b) The existence of public transportation at reasonable intervals within one mile of the residence of the applicant may be considered adequate grounds for refusal of a junior permit.

(c) The department shall impose restrictions upon junior permits appropriate to the conditions and area under which they are intended to be used.

SEC. 2. Section 12514 of the Vehicle Code is amended to read:

12514. (a) Junior permits issued pursuant to Section 12513 shall not be valid for a period exceeding that established on the original request as the approximate date the minor's operation of a vehicle will no longer be necessary. In any event, no permit shall be valid on or after the 18th birthday of the applicant.

(b) The department may revoke any permit when such action appears necessary for the welfare of the minor or in the interests of safety.

(c) In the event conditions or location of residence, which required the minor's operation of a vehicle, change prior to expiration of the permit the department may cancel such permit.

(d) Upon determination that the permittee has operated a vehicle in violation of restrictions, the department shall revoke such permit.

(e) A junior permit shall be construed to be a form of driver's license and shall be subject to all provisions of this code applying to driver's licenses, except as modified in this section and Section 12513.

(f) An instruction permit valid for a period not to exceed six months may be issued after eligibility has been established under Section 12513.

(g) The department shall cancel any permit six months from the date of issuance unless the permittee has complied with one of the conditions prescribed by subdivision (a) or (b) of Section 12507.

SEC. 3. It is the intent of the Legislature, if amendments to Section 12513 of the Vehicle Code proposed by both this bill and A.B. 826 are enacted, that both amendments be given effect and incorporated in Section 12513 in the form set forth in Section 1.5 of this act. Therefore, in the event A.B. 826 is enacted and amends Section 12513, Section 1.5 of this act shall become operative at the same time that Section 12513 as amended by A.B. 826 becomes operative, and at that time, Section 12513 of the Vehicle Code as amended by Section 1 of this act is repealed.

CHAPTER 948

An act to amend Section 6830 of the Elections Code, relating to independent nominations.

[Approved by Governor August 22, 1969. Filed with Secretary of State August 28, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 6830 of the Elections Code is amended to read:

6830. Each candidate or group of candidates shall file a nomination paper which shall contain:

(a) The name and residence address of each candidate, including the name of the county in which he resides.

(b) A designation of the office for which the candidate or group seeks nomination.

(c) A statement that the candidate and each signer of his nomination paper did not vote at the immediately preceding primary election at which a candidate was nominated for the office mentioned in the nomination paper. The statement required in this subdivision shall be omitted when no candidate was nominated for the office at the preceding primary election.

(d) A statement that the candidate is not, and was not at any time during the one year preceding the immediately preceding primary election at which a candidate was nominated for the office mentioned in the nomination paper, registered as affiliated with a political party qualified under the provisions of Section 6430. The statement required by this subdivision shall be omitted when no primary election was held to nominate candidates for the office to which the independent nomination paper is directed.

CHAPTER 949

An act to amend Sections 36500 and 36508 of, and to add Section 24615 to, the Vehicle Code, relating to slow-moving vehicles.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 28, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 24615 is added to the Vehicle Code, to read:

24615. It is unlawful to operate upon a public highway any vehicle or combination of vehicles, which is designed to be and is operated at a speed of 25 miles per hour or less, unless the rearmost vehicle displays a "slow-moving vehicle emblem," except upon vehicles used by a utility, whether publicly or privately owned, for the construction, maintenance, or repair of its own facilities or upon vehicles used by highway authorities or bridge or highway districts in highway maintenance, inspection, survey, or construction work. Any other vehicle or combination of vehicles, when operated at a speed of 25 miles per hour or less, may display such emblem. The emblem shall be mounted on the rear of the vehicle, base down, and at a height of not less than three nor more than five feet from ground to base. Such emblem shall consist of a truncated equilateral triangle having a minimum height of 14 inches with a red reflective border not less than $1\frac{3}{4}$ inches in width and a fluorescent orange center.

This emblem shall not be displayed except as permitted or required by this section.

SEC. 2. Section 36500 of the Vehicle Code is amended to read:

36500. The provisions of Sections 24250, 24251, 24400 through 24404, inclusive, Articles 3, 4, 5, 6, 9, 11, and 13 (commencing with Sections 24600, 24800, 24950, 25100, 25350, 25450 and 25650, respectively) and Section 25953 of Chapter 2 of Division 12 of this code shall not apply to implements of husbandry. Such vehicles shall be subject to the provisions of Section 24615 and Article 12 (commencing with Section 25500), Sections 25803, 25950, and 25952 of Chapter 2 of Division 12 of this code.

SEC. 3. Section 36508 of the Vehicle Code is amended to read:

36508. After July 1, 1970, no new implement of husbandry designed or intended by the manufacturer to be operated or moved at a speed not in excess of 25 miles per hour shall be sold in this state unless it is equipped by the manufacturer with a slow-moving vehicle emblem as prescribed by Section 24615, and such an emblem shall thereafter be displayed and maintained on such implement of husbandry while the implement is able to be operated upon a public highway.

CHAPTER 950

An act to amend Section 1 of Chapter 1318 of the Statutes of 1968, relating to state lands.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 28, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 1318 of the Statutes of 1968 is amended to read:

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 other-

wise 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; provided that, until the expiration of a period of five years commencing on the effective date of the amendments to this section enacted at the 1969 Regular Session of the Legislature, the power of the Director of General Services in disposing of this property shall be limited to disposition thereof to a public body or local governmental agency upon condition that the property shall be dedicated or otherwise devoted exclusively for public park recreational or public educational purposes, or both.

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.

CHAPTER 951

An act making an appropriation for aid to families with dependent children.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 28, 1969]

The people of the State of California do enact as follows:

SECTION 1. Funds appropriated to the State Department of Social Welfare pursuant to Item 345 of the Budget Act of 1969 shall also be used for aid to families with dependent children.

CHAPTER 952

An act to amend Sections 6478.5 and 6478.7 of the Education Code, and to amend Section 2 of Chapter 1450 of the Statutes of 1968, relating to compensatory education, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 28, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 6478.5 of the Education Code is amended to read:

6478.5. As used in this article, a More Effective Schools Program may 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

SEC. 2. Section 6478.7 of the Education Code is amended to read:

6478.7. Federal funds may be authorized under this article to provide necessary and required school facilities, construction and personnel. The total of such federal funds shall not exceed one million dollars ($1,000.000) per school year.

SEC. 3. Section 2 of Chapter 1450 of the Statutes of 1968 is amended to read:

Sec. 2. The Educational Innovation Commission shall annually provide for the allocation of not more than one million dollars ($1.000,000) 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. 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 proper planning and programming for the More Effective Schools Program can be started at the earliest possible time, and in order that such program may be instituted as soon as possible, for the betterment of the educational program in this state, it is necessary that this act take immediate effect.

CHAPTER 953

An act to amend Section 7451 of, and to add Section 7451.7 to, the Education Code, relating to regional occupational centers.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 28, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 7451 of the Education Code is amended to read:

7451. The county superintendent of schools of each county, with the consent of the State Board of Education, may establish and maintain, or with one or more counties may establish

and maintain, at least one regional occupational center, or regional occupational program, in the county to provide education and training in vocational courses. The governing boards of any school districts maintaining high schools in the county may, with the consent of the State Board of Education and of the county superintendent of schools, cooperate in the establishment and maintenance of a regional occupational center, or regional occupational program, except that if such a school district also maintains five hundred (500) or more schools its governing board may establish and maintain one or more regional occupational centers, or regional occupational programs, without such restrictions. The establishment and maintenance of a regional occupational center, or regional occupational program, by two or more school districts may be undertaken pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code. If a school district or school districts establish and maintain such a regional occupational center, or regional occupational program, pursuant to this chapter, the county superintendent of schools may, with the consent of the State Board of Education, establish and maintain a separate regional occupational center or centers, or regional occupational program or programs.

SEC. 2. Section 7451.7 is added to the Education Code, to read:

7451.7. The curriculum provided by a regional occupational center or regional occupational program shall be subject to the approval of the department and shall comply with all requirements and standards set forth in the State Plan for Vocational Education. The department shall approve regional occupational centers only after giving due consideration to vocational education opportunities offered by junior colleges serving the same geographical area. The State Board of Education shall adopt rules and regulations establishing guidelines and criteria for differentiating between courses appropriate for regional occupational centers or regional occupational programs and those appropriate for high schools.

CHAPTER 954

An act to add Section 12022.5 to the Penal Code, relating to criminal penalties.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 28, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 12022.5 is added to the Penal Code, to read:

12022.5. Any person who uses a firearm in the commission or attempted commission of a robbery, assault with a deadly

weapon, murder, rape, burglary, or kidnapping, upon conviction of such crime, shall, in addition to the punishment prescribed for the crime of which he has been convicted, be punished by imprisonment in the state prison for a period of not less than five years. Such additional period of imprisonment shall commence upon 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 a period of not less than 10 years, and upon a third conviction under like circumstances the additional period of imprisonment shall be for a period of not less than 15 years, such terms of additional imprisonment to run consecutively.

Upon a fourth or subsequent conviction under like circumstances, the defendant may be imprisoned for life or a period of not less than 25 years, in the discretion of the court.

This section shall apply even in those cases where the use of a weapon is an element of the offense.

CHAPTER 955

An act to amend Sections 33402, 33422, 33432, and 33440 of, and to add Article 6.5 (commencing with Section 33385) to Chapter 4 of Part 1 of Division 24 of, and to add Sections 33411.1, 33411.3, and 33411.4 to, the Health and Safety Code, relating to community redevelopment.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 28, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Article 6.5 (commencing with Section 33385) is added to Chapter 4 of Part 1 of Division 24 of the Health and Safety Code, to read:

Article 6.5. Project Area Committee

33385. The legislative body of a city or county may call upon the residents and existing community organizations in a redevelopment project area, within which low- and moderate-income families are to be displaced by the redevelopment project, to form a project area committee comprising persons who for at least six months have been resident in or owned property in the project area, and which is considered representative by the legislative body. The project area committee shall include, when applicable, residential owner occupants, residential tenants, businessmen, and members of nonbusiness organizations. The members of the committee shall serve without compensation. If it is the decision of the legislative body

to call for the formation of such a committee, the legislative body shall recognize such a representative project area committee in each project area within 30 days after the selection of each project area for project areas established after the effective date of this section, and by January 1, 1970, for project areas in existence on the effective date of this section.

33386. The redevelopment agency through its staff, consultants, and agency members shall, upon the direction of and approval of the legislative body consult with, and obtain the advice of, the project area committee concerning those policy matters which deal with the planning and provision of residential facilities or replacement housing for those to be displaced by project activities. The agency shall also consult with the committee on other policy matters which affect the residents of the project area. The provisions of this section shall apply throughout the period of preparation of the redevelopment plan and for a three-year period after the adoption of the redevelopment plan, subject to one-year extensions by the legislative body.

33387. Minutes of all the meetings of the redevelopment agency with the project area committee, which meetings shall be open and public, together with a record of all information presented to the project area committee by the redevelopment agency or by the project area committee for the redevelopment agency for the purpose of carrying out the provisions of this article shall be maintained by the redevelopment agency. Such minutes and record shall be open to public inspection and a summary of such record shall be included in the report to the legislative body, submitted by the agency pursuant to Section 33352.

33388. Necessary funds for the operation of the project area committee shall be allocated to the committee by the community or by the redevelopment agency. Such allocation shall include funds or equivalent resources for a committee office, equipment and supplies; and adequate staff for the purposes set forth in Section 33386.

SEC. 2. Section 33402 of the Health and Safety Code is amended to read:

33402. Except as provided in Article 9 (commencing with Section 33410), this part does not authorize an agency to own or operate rental property acquired and rehabilitated in prospect of resale beyond a reasonable period necessary to effect such resale.

SEC. 3. Section 33411.1 is added to the Health and Safety Code, to read:

33411.1. The legislative body shall insure that such method or plan of the agency for the relocation of families or single persons to be displaced by a project shall provide that no persons or families of low and moderate income shall be displaced unless and until there is a suitable housing unit available and ready for occupancy by such displaced person or

family at rents comparable to those at the time of their displacement. Such housing units shall be suitable to the needs of such displaced persons or families and must be decent, safe, sanitary, and otherwise standard dwelling. The agency shall not displace such person or family until such housing units are available and ready for occupancy.

SEC. 4. Section 33411.3 is added to the Health and Safety Code, to read:

33411.3. Whenever all or any portion of a redevelopment project is developed with low- or moderate-income housing units the agency shall require by contract or other appropriate means that such housing be made available for rent or purchase to the persons and families of low and moderate income displaced by the redevelopment project. Such persons and families shall be given priority in renting or buying such housing; provided, however, failure to give such priority shall not affect the validity of title to real property.

As used in this article, "low- and moderate-income families and persons" means those persons who would qualify as low- and moderate-income persons and families under Section 1715z and 1715z-1 of the United States Code as those definitions in those sections now exist or may be amended, replaced, or superseded.

SEC. 5. Section 33411.4 is added to the Health and Safety Code, to read:

33411.4. If insufficient suitable housing units are available in the community for low- and moderate-income persons and families to be displaced from a redevelopment project area, the legislative body shall assure that sufficient land be made available for suitable housing for rental or purchase by low- and moderate-income persons and families. If insufficient suitable housing units are available in the community for use by such persons and families of low and moderate income displaced by the redevelopment project, the redevelopment agency may, to the extent of that deficiency, direct or cause the development, rehabilitation or construction of housing units within the community, both inside and outside of redevelopment project areas.

SEC. 6. Section 33422 of the Health and Safety Code is amended to read:

33422. Any work of grading, clearing, demolition, or construction in excess of two thousand five hundred dollars ($2,500) undertaken by the agency shall be done by contract after competitive bids. With respect to such work under two thousand five hundred dollars ($2,500), the agency may contract the work without competitive bids, and in contracting such work may give priority to the residents of such redevelopment project areas and to persons displaced from such areas as a result of redevelopment activities.

SEC. 7. Section 33432 of the Health and Safety Code is amended to read:

33432. Except as provided in Article 9 (commencing with Section 33410) of this part, an agency shall lease or sell all real property acquired by it in any project area, except property conveyed by it to the community or any other public body. Any such lease or sale shall be conditioned on the redevelopment and use of the property in conformity with the redevelopment plan.

SEC. 8. Section 33440 of the Health and Safety Code is amended to read:

33440. Except as provided in Article 9 (commencing with Section 33410), this part does not authorize an agency to construct any of the buildings for residential, commercial, industrial, or other use contemplated by the redevelopment plan, except that, in addition to its powers under Section 33445, an agency may construct foundations, platforms, and other like structural forms necessary for the provision or utilization of air rights sites for buildings to be used for residential, commercial industrial, or other uses contemplated by the redevelopment plan.

CHAPTER 956

An act to add Section 40300.5 to the Vehicle Code, relating to traffic offenses.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 28, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 40300.5 is added to the Vehicle Code, to read:

40300.5. Notwithstanding any other provision of law a peace officer may, without a warrant, arrest a person involved in a traffic accident when the officer has reasonable cause to believe that such person had been driving while under the influence of intoxicating liquor or under the combined influence of intoxicating liquor and any drug.

CHAPTER 957

An act to add Section 27707 to the Government Code, relating to public defenders.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 28, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 27707 is added to the Government Code, to read:

27707. The court in which the proceeding is pending may make the final determination in each case as to whether a defendant or person described in Section 27706 is financially able to employ counsel and qualifies for the services of the public defender. The public defender shall, however, render legal services as provided in subdivisions (a), (b) and (c) of Section 27706 for any person the public defender determines is not financially able to employ counsel until such time as a contrary determination is made by the court. If a contrary determination is made, the public defender thereafter may not render services for such person except in a proceeding to review the determination of that issue or in an unrelated proceeding. In order to assist the court or public defender in making the determination, the court or the public defender may require a defendant or person requesting services of the public defender to file a financial statement under penalty of perjury.

CHAPTER 958

An act to amend Section 583 of, and to repeal Section 583.5 of, the Code of Civil Procedure, relating to dismissal of actions.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 28, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 583 of the Code of Civil Procedure is amended to read:

583. (a) The court, in its discretion, may dismiss an action for want of prosecution pursuant to this subdivision if it is not brought to trial within two years after it was filed. The procedure for obtaining such dismissal shall be in accordance with rules adopted by the Judicial Council.

(b) Any action heretofore or hereafter commenced shall be dismissed by the court in which the same shall have been commenced or to which it may be transferred on motion of the defendant, after due notice to plaintiff or by the court upon its own motion, unless such action is brought to trial within five years after the plaintiff has filed his action, except where the parties have filed a stipulation in writing that the time may be extended and except where it be shown that the defendant has been absent from the state or concealed therein and his whereabouts unknown to plaintiff and not discoverable to said plaintiff upon due diligence, in which event said period of absence or concealment shall not be a part of said five-year period. When, however, such defendant has, or has had, an attorney of record for a sufficient time to enable the action to have been tried if the plaintiff had acted with due diligence, such period of absence or concealment shall be a part

of said five-year period. When, in any action after judgment, a motion for a new trial has been made and a new trial granted, such action shall be dismissed on motion of defendant after due notice to plaintiff, or by the court of its own motion, if no appeal has been taken, unless such action is brought to trial within three years after the entry of the order granting a new trial, except when the parties have filed a stipulation in writing that the time may be extended. When in an action after judgment, an appeal has been taken and judgment reversed with cause remanded for a new trial (or when an appeal has been taken from an order granting a new trial and such order is affirmed on appeal), the action must be dismissed by the trial court, on motion of defendant after due notice to plaintiff, or of its own motion, unless brought to trial within three years from the date upon which remittitur is filed by the clerk of the trial court.

SEC. 2. Section 583.5 of the Code of Civil Procedure is repealed.

SEC. 3. Section 1 of this act shall become operative on January 1, 1970.

CHAPTER 959

An act to amend Section 707 of, and to add Section 720 to, the Probate Code, relating to claims against decedents' estates.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 28, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 707 of the Probate Code is amended to read:

707. Except as provided in Section 707.5 or Section 720, all claims arising upon contract, whether they are due, not due, or contingent, and all claims for funeral expenses and all claims for damages for injuries to or death of a person or injury to property and all claims against the executor or administrator of any testator or intestate who in his lifetime has wasted, destroyed, taken or carried away or converted to his own use, the property of another person or committed any trespass on the real property of another person, 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 claim not so filed or presented is barred forever, unless it is made to appear by the affidavit of the claimant to the satisfaction of the court or a judge thereof that the claimant had not received notice, by reason of being out of the state, in which event it may be filed or presented at any time before a decree of distribution is rendered. The clerk must enter in the register every claim filed, giving the name of the claimant, the amount and

character of the claim, the rate of interest, if any, and the date of filing.

SEC. 2. Section 720 is added to the Probate Code, to read:

720. If a claim for damages for injuries to, or death of, a person, for which no action specified in Section 709 was pending at the time of the decedent's death, is not filed within the time otherwise limited by this article, the court, upon application of the claimant made not later than one year after accrual of the claimant's cause of action, and upon such notice and hearing, if any, as the court may order, shall permit the filing of the claim and, if required, appoint or reappoint a personal representative. Neither the filing of the claim pursuant to this section nor its later establishment, in whole or in part, shall make property distributed or payments made under court order and before notice subject to the claim. The personal representative, distributee, or payee shall not be liable on account of such prior distribution or payment. The court shall impose reasonable conditions upon the filing of the claim to avoid unequal treatment between the heirs, devisees, legatees, or creditors of the estate.

This section shall not be applicable to claims of public entities under Section 707.5.

SEC. 3. This act shall not apply to claims for damages for injuries to or death of a person for which an action, specified in Section 709 of the Probate Code, is pending at the effective date of this act; nor shall this act revive any claim for damages for injuries to or death of a person previously barred by Chapter 12 (commencing with Section 700) of Division 3 of the Probate Code.

CHAPTER 960

An act relating to the average daily attendance of pupils.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 28, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding any other provision of law to the contrary, the provisions of Section 1 of Chapter 93 of the Statutes of 1969 shall not be applicable to a school district with respect to a part-time kindergarten teacher who teaches 180 minutes or more in a single session kindergarten class with whom a contract of employment was entered into prior to September 1, 1968. In accordance with the provisions of this section, the Superintendent of Public Instruction shall recompute the average daily attendance in kindergarten classes taught by such teachers computed pursuant to the provisions of Section 1 of Chapter 93 of the Statutes of 1969 for the 1968–1969 fiscal year and shall allocate any increased apportionment with respect thereto to the school district pursuant to the provisions of Section 17414 of the Education Code.

CHAPTER 961

An act to add Article 2.4 (commencing with Section 13220) to Chapter 2 of Division 10 of the Education Code, relating to junior colleges.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 28, 1969]

The people of the State of California do enact as follows:

SECTION 1. Article 2.4 (commencing with Section 13220) is added to Chapter 2 of Division 10 of the Education Code, to read:

Article 2.4. Credentials for Junior College Personnel

13220. An individual employed by a school district maintaining a junior college in grades 13 and 14 as an instructor, supervisor, administrator, librarian, counselor, or student personnel worker, shall be required to possess a credential or certification document specified in this article. The provisions of Article 1.5 (commencing with Section 13187) of this chapter shall not be applicable to an individual employed by a school district maintaining a junior college in grades 13 and 14 as an instructor, supervisor, administrator, librarian, counselor, or student personnel worker after the effective date of this article. The Board of Governors of the California Community Colleges may prescribe, by regulation, the standards as to equivalency and standards for professional, vocational training, or experience, or any combination thereof, wherever referred to in this section and such additional minimum standards as they deem appropriate for the administration and enforcement of this section.

13220.1. The minimum requirements for the junior college instructor credential shall be either (a) or (b) and (c), as follows:

(a) Possession of a master's degree, or its equivalent, from an accredited institution, in any field except professional education; or

(b) Professional or vocational training or experience, or any combination thereof, established as adequate pursuant to regulations adopted by the Board of Governors of the California Community Colleges; and

(c) Compliance with the provisions of Sections 13121 to 13124, inclusive, and Sections 13126 to 13128, inclusive, with respect to credentials authorized by this article. Whenever reference is made in those provisions to the State Board of Education, such reference shall be deemed to mean the Board of Governors of the California Community Colleges.

13220.2. The junior college instructor credential shall be issued by the Board of Governors of the California Community

Colleges following a determination that (a) the applicant meets the requirements specified in subdivision (a) or (b) of Section 13220.1, and (b) a determination by the board of governors that the applicant has complied with subdivision (c) of Section 13220.1.

13220.3. The junior college instructor credential shall authorize the holder to perform the functions specified in Section 13194, except that if the credential is issued based on professional or vocational training or experience, or any combination thereof, the holder shall perform only the teaching functions authorized by regulations adopted by the Board of Governors of the California Community Colleges.

13220.4. The minimum requirements for the junior college supervisor credential shall be either (a) or (b), (c), and (d), as follows:

(a) Possession of a master's degree, or its equivalent, from an accredited institution, in any field; or

(b) Professional or vocational training or experience, or any combination thereof, established as adequate pursuant to regulations adopted by the Board of Governors of the California Community Colleges; and

(c) A combination of not less than two years of teaching or counseling, or both, library science, research, administrative experience in higher education, or its equivalent in postsecondary education, or its equivalent in training and development experience in other related fields; and

(d) Compliance with the provisions of Sections 13121 to 13124, inclusive, and Sections 13126 to 13128, inclusive, with respect to credentials authorized by this article. Whenever reference is made in those provisions to the State Board of Education, such reference shall be deemed to mean the Board of Governors of the California Community Colleges.

13220.5. The junior college supervisor credential shall be issued by the Board of Governors of the California Community Colleges following a determination that (a) the applicant meets the requirements specified in subdivisions (a) or (b) and (c) of Section 13220.4, and (b) a determination by the board of governors that the applicant has complied with subdivision (d) of Section 13220.4.

13220.6. The junior college supervisor credential shall authorize the holder to be employed as a supervisor in a junior college district.

13220.7. The minimum requirements for the junior college chief administrative officer credential shall be (a), either (b) or (c), and (d), as follows:

(a) Possession of a master's degree, or its equivalent, from any accredited institution, in any field; and

(b) A combination of not less than two years of teaching or counseling, or both, library service, research, and administrative experience in higher education, or its equivalent in postsecondary education, or its equivalent in training and development experience in other related fields; or

(c) Eminence in administration in higher education; and

(d) Compliance with the provisions of Sections 13121 to 13124, inclusive, and Sections 13126 to 13128, inclusive, with respect to credentials authorized by this article. Whenever reference is made in those provisions to the State Board of Education, such reference shall be deemed to mean the Board of Governors of the California Community Colleges.

13220.8. The junior college chief administrative officer credential shall be issued by the Board of Governors of the California Community Colleges following a determination that (a) the applicant meets the requirements specified in subdivisions (a) and either (b) or (c) of Section 13220.7, and (b) a determination by the board of governors that the applicant has complied with subdivision (d) of Section 13220.7.

13220.9. The junior college chief administrative officer credential shall authorize the holder to be employed as a chief administrative officer or president, or both, of a junior college district.

13220.10. The minimum requirements for the junior college librarian, counselor, or student personnel worker credential shall be (a) and (b), as follows:

(a) Possession of a master's degree, or its equivalent, from an accredited institution, in a field related to library, counseling, or student personnel work, respectively; and

(b) Compliance with the provisions of Sections 13121 to 13124, inclusive, and Sections 13126 to 13128, inclusive, with respect to credentials authorized by this article. Whenever reference is made in those provisions to the State Board of Education, such reference shall be deemed to mean the Board of Governors of the California Community Colleges.

13220.11. The junior college librarian, counselor, or student personnel worker credential shall be issued by the Board of Governors of the California Community Colleges following a determination that (a) the applicant meets the requirements specified in subdivision (a) of Section 13220.10 and (b) a determination by the board of governors that the applicant has complied with subdivision (b) of Section 13220.10.

13220.12. The junior college librarian, counselor, or student personnel worker credential shall authorize the holder to be employed as a librarian, counselor, or student personnel worker, respectively, in a junior college district.

13220.13. Any credential issued pursuant to this article shall remain valid, for employment by the original employing junior college district or any other junior college district, until revoked or suspended pursuant to Article 2 (commencing with Section 13201) of this chapter. With respect to the revocation or suspension of any credential issued pursuant to this article, whenever reference is made in Article 2 (commencing with Section 13201) of this chapter to the State Board of Education, such reference shall be deemed to mean the Board of Governors of the California Community Colleges.

13220.14. No applicant otherwise qualified for a credential authorized by this article shall be denied the right to receive credentials from the Board of Governors of the California Community Colleges on the grounds he is totally or partially blind; nor shall any school district maintaining a junior college refuse to engage an instructor on such grounds, provided, that such blind instructor is able to carry out the duties of the position for which he applies in the junior college district.

The governing board of any school district maintaining a junior college may request the commission established pursuant to Section 363 of this code for advice and assistance for purposes of this section, and it shall be the duty of the commission, upon such request, to render advice and assistance.

13220.15. The Board of Governors of the California Community Colleges may deny any application for the issuance of a credential authorized by this article made by any applicant who:

(a) Is physically so disabled as to be rendered unfit to perform the duties authorized by the credential for which he applies.

(b) Is addicted to the use of intoxicating beverages to excess.

(c) Is addicted to the use of narcotics or habit-forming drugs.

(d) Has committed any act involving moral turpitude.

(e) Has had a certification document revoked.

(f) Has intentionally practiced or attempted to practice any material deception or fraud in his application.

(g) Fails or refuses to furnish reasonable evidence of identification or good moral character.

(h) Has been convicted of any offense defined in subdivision (1) of Section 314 of the Penal Code.

13220.16. The Board of Governors of the California Community Colleges shall deny any application for the issuance of a credential authorized by this article made by any applicant who comes within any of the following classes:

(a) Has been determined to be a mentally disordered sex offender under the provisions of Article 1 (commencing with Section 6300), Chapter 2, Part 2, Division 6 of the Welfare and Institutions Code or under similar provisions of law of any other state.

(b) Has been convicted of any sex offense as defined in Section 12912.

(c) Has been convicted of a narcotics offense as defined in Section 12912.5.

13220.17. (a) A credential which was issued prior to the effective date of this article shall remain in force as long as it is valid and continues to be valid under the law and regulations of the board of governors. The board of governors may not by regulation invalidate such valid credential unless it issues to the holder thereof, in substitution, a new credential authorized by other sections of this article of an equivalent

type and which new credential is no less restrictive than the credential for which it is substituted with respect to the kind of service which it authorizes, and the grades or classes of types of schools in which it authorizes service.

(b) Credentials issued prior to the effective date of this article, and credentials issued under subdivision (c) of this section may be renewed in accordance with regulations in effect on the effective date of this article.

(c) The board of governors shall issue the appropriate credentials authorized by the law operative, and the rules and regulations in effect, on the effective date of this article, to any person who is working toward meeting the requirements of a prior regular credential and is enrolled in an education program for such purpose on the effective date of this article. No credential shall be issued under this subdivision after January 1, 1971.

13220.18. (a) A provisional credential may be issued to instructional personnel in accordance with the regulations adopted by the Board of Governors of the California Community Colleges.

The minimum standards for a provisional credential shall be prescribed by the board of governors.

The regulations adopted by the board of governors prescribing the minimum standards for a provisional credential shall give consideration to training and teaching experience in California schools and shall establish the term of renewal for such a credential.

Any issuance of a provisional credential shall comply with the provisions of Sections 13121 to 13124, inclusive, and Sections 13126 to 13128, inclusive, with respect to credentials authorized by this article. Whenever reference is made in those provisions to the State Board of Education, such reference shall be deemed to mean the Board of Governors of the California Community Colleges.

(b) A limited service credential may be issued to instructional personnel in accordance with the regulations adopted by the Board of Governors of the California Community Colleges.

The minimum standards for a limited service credential shall be prescribed by the board of governors.

The regulations adopted by the board of governors prescribing the minimum standards for a limited service credential shall give consideration to training and teaching experience in California schools and shall establish the term of renewal for such a credential.

A limited service credential shall be issued to persons teaching 40 percent of the number of hours considered as a full-time assignment for permanent employees having similar duties in the junior colleges of the district in which he is employed.

Any issuance of a limited service credential shall comply with the provisions of Sections 13121 to 13124, inclusive, and Sections 13126 to 13128, inclusive, with respect to credentials

authorized by this article. Whenever reference is made in those provisions to the State Board of Education, such reference shall be deemed to mean the Board of Governors of the California Community Colleges.

13220.19. The governing board of a junior college district may, by resolution, establish administrative and supervisory positions in the classified service not requiring certification where such positions relate to business, research, or community service functions.

13220.20. A credential or certification document issued pursuant to this article may identify the subject area authorization and the extent or type of service permitted. Such identification shall be made with such requirements as the Board of Governors of the California Community Colleges may authorize.

13220.23. The Board of Governors of the California Community Colleges shall, by regulation, establish minimum standards authorizing service for teachers of classes for adults and shall establish procedures for the issuance of appropriate certificates of qualification.

CHAPTER 962

An act to add Sections 14336 and 14371.2 to the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 28, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 14371.2 is added to the Education Code, to read:

14371.2. The retirement allowance of a person who was retired for service and subsequently reinstated shall not be less than the allowance, including the increases provided in Section 14371.1, would be if there had been no reinstatement; plus a benefit, based on the service rendered and compensation earnable during the period following reinstatement, calculated on the age attained at the effective date of the last retirement.

Allowances payable for time after July 1, 1967, shall be retroactively adjusted to the amounts which would have been paid or payable if this section had been in effect on July 1, 1967.

SEC. 2. Section 14336 is added to the Education Code, to read:

14336. The retirement allowance of a person who was retired for service and subsequently reinstated shall not be less than the allowance, including the increases provided in this article, would be if there had been no reinstatement; plus a benefit, based on the service rendered and compensation earnable during the period following reinstatement, calculated on the age attained at the effective date of the last retirement.

Allowances payable for time after July 1, 1967, shall be retroactively adjusted to the amounts which would have been paid or payable if this section had been in effect on July 1, 1967.

SEC. 3. Section 2 of this act shall become operative only if Assembly Bill No. 1728 is enacted by the Legislature at its 1969 Regular Session, and in such case at the same time as Assembly Bill No. 1728 takes effect; at which time Section 14371.2 of the Education Code as added by Section 1 of this act is repealed.

CHAPTER 963

An act making an appropriation for the State Environmental Quality Study Council.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 28, 1969.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the General Fund the sum of fifty thousand dollars ($50,000) for the support of the State Environmental Quality Study Council.

CHAPTER 964

An act to add Section 75060.2 to the Government Code, relating to the Judges' Retirement Law.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 28, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 75060.2 is added to the Government Code, to read:

75060.2. Notwithstanding any provision of the Judges' Retirement Law to the contrary, any judge who was retired for disability prior to January 1, 1948, shall receive an allowance equal to one-half of the salary payable at the time the allowance falls due to the judge holding the judicial office to which he was last elected by the people. The allowance provided by this section shall be payable commencing with the date on which the judge's allowance computed under former Section 75061 terminated.

CHAPTER 965

An act to add Section 11580.9 to the Insurance Code, relating to insurance.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 28, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 11580.9 is added to the Insurance Code, to read:

11580.9. Where two or more policies are applicable to the same loss and one of such policies affords coverage to a named insured engaged in renting or leasing commercial vehicles, as that term is used in Section 260 of the Vehicle Code, or the leasing of any other motor vehicle for six months or longer, such policy 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 as primary coverage but applicable as excess coverage 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 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 as primary insurance and the other policy or policies shall apply as excess coverage.

CHAPTER 966

An act to amend Section 6508 of the Government Code, relating to joint powers agreements.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 28, 1969.]

The people of the State of California do enact as follows:

SECTION 1. 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 building, 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.

The governing body of any agency having the power to sue or be sued in its own name, created by an agreement entered into after the amendment to this section at the 1969 Regular Session of the Legislature, between parties composed exclusively of parties which are cities, counties, or public districts of this state, irrespective of whether all such parties fall within the same category, may as provided in such agreement, and in any ratio provided in the agreement, be composed exclusively of officials elected to one or more of the governing bodies of the parties to such agreement. Any existing agreement composed of parties which are cities, counties or public districts which creates a governing board of any agency having the power to sue or be sued may, at the option of the parties to the agreement, be amended to provide that the governing body of the created agency shall be composed exclusively of officials elected to one or more of the governing boards of the parties to such agreement in any ratio agreed to by the parties to the agreement. The governing body so created shall be empowered to delegate its functions to an advisory body or administrative entity for the purposes of program development, policy formulation, or program implementation, provided, however, that any annual budget of the agency to which the delegation is made must be approved by the governing body of the Joint Powers Agency.

In the event that such agency enters into further contracts, leases or other transactions with one or more of the parties to such agreement, an official elected to the governing body of such party may also act in the capacity of a member of the governing body of such agency.

CHAPTER 967

An act to amend Section 5605 of the Education Code, relating to financial support for the public schools.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 28, 1969.]

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 the total of the following amounts: (1) the percentage of miscellaneous funds (as defined by Section 17606), specified in Section 17603.5, and 50 percent of funds under the provisions of Public Law 874, 81st Congress, or under any similar provisions of any other act of Congress in 1969–1970, 70 percent in 1970–1971, and 90 percent in 1971–1972 and each year thereafter, utilized for the elementary school district for the fiscal year; and (2) in the case of an elementary school district not eligible for an increase in foundation program pursuant to either Section 17671 or Section 17676, the total of the amount required by Section 17924 to be raised by the district for the fiscal year by application of an excess in general fund tax rate to be eligible for apportionments of supplemental support, provided that such required amount was actually raised by the district. 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.

CHAPTER 968

An act to amend Section 5716 of the Education Code, relating to adult education, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 28, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 5716 of the Education Code is amended to read:

5716. Classes for adults may be maintained in conjunction with day or evening high schools, day or evening junior colleges, day or evening adult schools, or day or evening regional occupational centers.

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 effectiveness of the regional occupational centers in preparing students for an increasingly technological society by offering vocational and technical educational programs will be greatly increased by permitting the centers to offer classes for adults. In order that apportionments from state funds for the support of such classes be available as soon as possible, it is necessary that this act take effect immediately.

CHAPTER 969

An act to add Sections 16000.5 and 16100.5 to the Business and Professions Code, and to add Section 37101.5 to the Government Code, relating to local licensing of cafe musicians.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 28, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 16000.5 is added to the Business and Professions Code, to read:

16000.5. Notwithstanding Section 16000, no incorporated city shall require a regulatory license or impose a regulatory license fee with respect to cafe musicians.

"Cafe musician," for the purposes of this section, means any person playing a musical instrument in any place or

establishment where food or alcoholic beverages are sold, offered for sale or given away, who is an employee, or independent contractor, of such place or establishment. "Cafe musician" does not include an owner, manager, or operator of such place or establishment.

SEC. 2. Section 16100.5 is added to the Business and Professions Code, to read:

16100.5. Notwithstanding Section 16100, no county or city and county shall require a regulatory license or impose a regulatory license fee with respect to cafe musicians.

"Cafe musician," for the purposes of this section, means any person playing a musical instrument in any place or establishment where food or alcoholic beverages are sold, offered for sale or given away, who is an employee, or independent contractor, of such place or establishment. "Cafe musician" does not include an owner, manager, or operator of such place or establishment.

SEC. 3. Section 37101.5 is added to the Government Code, to read:

37101.5. Notwithstanding Section 37101, no legislative body shall require a regulatory license or impose a regulatory license or impose a regulatory license fee with respect to cafe musicians.

"Cafe musician," for the purposes of this section, means any person playing a musical instrument in any place or establishment where food or alcoholic beverages are sold, offered for sale or given away, who is an employee, or independent contractor, of such place or establishment. "Cafe musician" does not include an owner, manager, or operator of such place or establishment.

CHAPTER 970

An act to add Chapter 4 (commencing with Section 436) to Part 1, Division 1 of, and Section 32127.2 to, the Health and Safety Code, relating to state insurance for loans for health facility construction, and making an appropriation therefor.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 28, 1969]

The people of the State of California do enact as follows:

SECTION 1. Chapter 4 (commencing with Section 436) is added to Part 1, Division 1 of the Health and Safety Code, to read:

CHAPTER 4. HEALTH FACILITY CONSTRUCTION LOAN INSURANCE

Article 1. General Provisions

436. This chapter may be cited as the "California Health Facility Construction Loan Insurance Law."

436.1. The purpose of this chapter is to provide, without cost to the state, an insurance program for health facility construction loans in order to stimulate the flow of private capital into health facilities construction and in order to rationally meet the need for new, expanded and modernized public and nonprofit health facilities necessary to protect the health of all the people of this state. The provisions of this chapter are to be liberally construed to achieve this purpose.

436.2. Unless the context otherwise requires, the definitions in this section govern the construction of this chapter and of Section 32127.2 of this code.

(a) "Bondholder" means the legal owner of a bond or other evidence of indebtedness issued by a political subdivision or a nonprofit corporation.

(b) "Borrower" means a political subdivision or nonprofit corporation which has secured or intends to secure a loan for the construction of a health facility.

(c) "Construction" includes construction of new buildings, expansion, modernization, renovation, remodeling and alteration of existing buildings, and initial or additional equipping of any such buildings. "Construction" also includes consulting, financing, architectural, and engineering costs and fees, cost of land acquisition and site development, including parking facilities, and all other costs necessary or incidental to construct a new building or to expand, modernize, renovate, remodel or alter an existing building.

(d) "Council" means the Advisory Hospital Council.

(e) "Debenture" means any form of written evidence of indebtedness issued by the State Treasurer pursuant to this chapter, as authorized by Article XIII, Section 21.5 of the California Constitution.

(f) "Department" means the State Department of Public Health.

(g) "Fund" means the Health Facility Construction Loan Insurance Fund.

(h) "Health facility" means any facility providing or designed to provide services for the acute, convalescent, and chronically ill and impaired, including but not limited to public health centers, community mental health centers, facilities for the mentally retarded, and general, tuberculosis, mental, and other types of hospitals and related facilities, such as laboratories, outpatient departments, extended care, nurses'

home and training facilities, offices and central service facilities operated in connection with hospitals, diagnostic or treatment centers, extended care facilities, nursing homes, and rehabilitation facilities. Except for facilities for the mentally retarded, "health facility" does not include any institution furnishing primarily domiciliary care.

(i) "Lender" means the provider of a loan and its successors and assigns.

(j) "Loan" means money or credit advanced for the construction costs of the health facility, and includes both initial loans and loans secured upon refinancing and may include both interim, or short-term loans, and long-term loans. A duly authorized bond or bond issue may constitute a "loan."

(k) "Maturity date" means the date on which the loan indebtedness would be extinguished if paid in accordance with periodic payments provided for by the terms of the loan.

(*l*) "Mortgage" means a first mortgage on real estate. "Mortgage" includes a first deed of trust.

(m) "Mortgagee" includes a lender whose loan is secured by a mortgage. "Mortgagee" includes a beneficiary of a deed of trust.

(n) "Mortgagor" includes a borrower, a loan to whom is secured by a mortgage, and the trustor of a deed of trust.

(o) "Nonprofit corporation" means any corporation organized under the General Nonprofit Corporation Law (Part 1 (commencing with Section 9000), Division 2 of the Corporation Code) or its equivalent under the laws of the state of incorporation, organized for the purpose of owning and operating a health facility.

(p) "Political subdivision" means any city, county, city and county, and local hospital district.

(q) "Project property" means the real property upon which the health facility is, or is to be, constructed, the health facility, and the initial equipment in such health facility.

(r) "Public health facility" means any health facility which is or will be constructed for and operated and maintained by any city, county, city and county, or local hospital district.

436.3. The department shall administer this chapter and shall make all rules and regulations necessary to implement the provisions and achieve the purposes stated herein. The council, as authorized by this chapter and by Section 431.2, shall advise and consult with the department in carrying out the administration of this chapter.

436.4. The department shall implement the loan insurance program for the construction of public and nonprofit corporation health facilities so that, in conjunction with all other existing facilities, the necessary physical facilities for furnishing adequate health facility services will be available to all the people of the state.

The department shall make an inventory of all existing health facilities and shall survey the need for construction of health facilities and, on the basis of such inventory and survey, shall develop a state plan.

Such state plan shall set forth the relative need for health facilities determined on the basis of the relative need of different sections of the population and of different areas and shall provide for the insurance of loans for health facility construction when need is clearly demonstrated, in the order of relative need so determined, except that preference shall be given to health facility construction which will (a) provide the more comprehensive health services, and (b) include outpatient and other integrated services useful and convenient to the operation of the facility and the community.

The health facility construction loan insurance program shall provide for health facility distribution throughout the state in such manner as to make all types of health facility services reasonably accessible to all persons in the state according to the state plan.

In performing its duties under this section, the department shall, insofar as possible and to the extent not inconsistent with this chapter, give consideration to the state plan and relative need for hospital construction determined under Sections 432, 432.1, and 432.5 of this code.

436.45. No insurance shall be provided for loans under this chapter until a statewide system of health facility planning has been established so that all hospitals as defined in Section 1401 and facilities licensed by the Department of Mental Hygiene pursuant to Chapter 1 (commencing with Section 7000) of Division 7 of the Welfare and Institutions Code have been reviewed by an area health planning agency prior to licensure. No insurance shall be provided for a loan under this chapter for a hospital or facility unless it has been finally approved through the statewide system of health facility planning.

436.5. The proceeds of all loans insured pursuant to this chapter shall be disbursed only upon order of the department or its designated agent. The department shall make rules and regulations to insure the security of such proceeds.

436.6. From time to time the department or its designated agent shall inspect each construction project for which loan insurance was approved, and if the inspection so warrants, the department or agent shall certify that the work has been performed upon the project, or purchases have been made, in accordance with the approved plans and specifications, and that payment of an installment of the loan proceeds is due to the borrower. The department shall charge the borrower a fee for such inspections and certifications, which in no instance shall exceed four dollars ($4) for each one thousand

dollars ($1,000) of the borrower's loan which is insured. Such fees shall be deposited in the fund

436.7. The department shall fix an annual premium charge for the insurance of hospital construction loans under this chapter, and such charge shall be deposited in the fund. The annual premium charge shall not be more than an amount equivalent to one-half of 1 percent per annum of the average amount of the principal obligation of the loan during the year in which the charge is made, without taking into account delinquent payments. The department may reduce or eliminate the premium charges for insured loans outstanding for a period in excess of three years. Such premium charges shall be payable by the borrower, or, where practicable, by the lender on account of a delinquent borrower, to the department at such times as shall be fixed by the department. The department may require the payment of one or more such premium charges at the time the loan is insured, at such discount rate as it may prescribe not in excess of the interest rate specified in the loan. In the event that the principal obligation of any insured loan is paid in full prior to the maturity date, the department is authorized to refund to the borrower all, or such portion as the department shall determine to be equitable, of the current unearned premium charges theretofore paid by the borrower.

Article 2. Insurable Loans and Applications Therefor

436.8. A loan shall be eligible for insurance under this chapter if all of the following conditions are met:

(a) When the borrower is a nonprofit corporation, such loan shall be secured by a mortgage, first lien, trust indenture, or such other security agreement as the department may require subject only to such conditions, covenants and restrictions, easements, taxes, and assessments of record approved by the department. When the borrower is a political subdivision, such loan may be evidenced by a duly authorized bond issue. A loan to a local hospital district may meet the requirement of this subdivision by either method.

(b) The borrower obtains an American Land Title Association title insurance policy with the department designated as beneficiary, with liability equal to the amount of the loan insured under this chapter, and with such additional endorsements as the department may reasonably require.

(c) The proceeds of the loan shall be used exclusively for the construction of the health facility, as approved by the department under Section 436.4. The department may not insure a loan for a health facility which is not needed as determined by the state plan developed under the authorization of Section 436.4.

(d) The loan shall have a maturity date not exceeding 30 years from the date of the beginning of amortization of the

loan, except as authorized by subdivision (e), or 75 percent of the department's estimate of the economic life of the health facility, whichever is the lesser

(e) The loan shall contain complete amortization provisions requiring periodic payments by the borrower not in excess of its reasonable ability to pay as determined by the department. The department shall permit a reasonable period of time during which the first payment to amortization may be waived on agreement by the lender and borrower. The department may, however, waive the amortization requirements of this subdivision and of subdivision (g) of this section when a term loan would be in the borrower's best interest.

(f) The loan shall bear interest on the amount of the principal obligation outstanding at any time at a rate, as negotiated by the borrower and lender, as the department finds necessary to meet the loan money market. As used in this chapter, "interest" does not include premium charges for insurance and service charges if any. Where a loan is evidenced by a bond issue of a political subdivision, the interest thereon may be at any rate which such bonds may legally bear.

(g) The loan shall provide for the application of the borrower's periodic payments to amortization of the principal of the loan.

(h) The loan shall contain such terms and provisions with respect to insurance, repairs, alterations, payment of taxes and assessments, foreclosure proceedings, anticipation of maturity, additional and secondary liens, and other matters as the department may in its discretion prescribe.

(i) The loan shall have a principal obligation not in excess of an amount equal to 90 percent of the total construction cost. Where the borrower is a political subdivision, the department may fully insure loans equal to the total construction cost.

436.9. Health facilities to be or already owned, established and operated by nonprofit corporations or political subdivisions may apply for state insurance of needed construction loans as provided in this chapter. Applications shall be submitted to the department by the nonprofit corporation or political subdivision authorized to construct and operate a health facility. Each application shall conform to state requirements, shall be submitted in the manner and form prescribed by the department, and shall be accompanied by a five-hundred-dollar ($500) application fee, to be deposited by the department in the fund and used to help defray the department's expenditures in the administration of this chapter.

436.10. Every applicant for insurance shall be afforded an opportunity for a fair hearing before the council upon 10 days' written notice to the applicant. If the department, after affording reasonable opportunity for development and presentation of the application and after receiving the advice of the council, finds that an application complies with the require-

ments of this article and of Section 436.4 and is otherwise in conformity with the state plan, it may approve such application for insurance. The department shall consider and approve applications in the order of relative need set forth in the state plan in accordance with Section 436.4.

436.11. The department may upon application of the borrower insure any loan which is eligible for insurance under this chapter; and upon such terms as the department may prescribe may make commitments for the insuring of such loans prior to their date of execution or disbursement thereon. The department may, for five years after the effective date of this chapter, accept and approve applications for insurance of loans executed during the period from and including November 5, 1968, to the effective date of this chapter.

436.12. Any contract of insurance executed by the department under this chapter shall be conclusive evidence of the eligibility of the loan for insurance and the validity of any contract of insurance so executed shall be incontestable from the date of the execution of the contract. except in case of fraud or misrepresentation on the part of such lender.

Article 3. Defaults

436.13. In any case in which the lender under a loan to a nonprofit corporation insured under this chapter shall have foreclosed and taken possession of the property under a mortgage in accordance with regulations of, and within a period to be determined by the department, or shall, with the consent of the department, have otherwise acquired such property from the borrower after default, the lender shall be entitled to receive the benefit of the insurance as provided in this section, upon (a) the prompt conveyance to the department of title to the property which meets the requirements of rules and regulations of the department in force at the time the loan was insured, and which is evidenced in the manner prescribed by such rules and regulations, and (b) the assignment to the department of all claims of the lender against the borrower or others arising out of the loan transaction or foreclosure proceedings except such claims as may have been released with the consent of the department. Upon such conveyance and assignment, the department shall notify the State Treasurer, who shall issue to the lender debentures having a total face value equal to the outstanding value of the loan.

For the purposes of this section, the outstanding value of the loan shall be determined, in accordance with rules and regulations prescribed by the department, by (a) adding to the amounts of the original principal obligation of the loan and interest which are accrued and unpaid the amount of all payments which have been made by the lender for the following: taxes and assessments, ground rents, water rates, and other liens which are prior to the mortgage; charges for the administration, operation, maintenance and repair of the health

facility property; insurance on the project property, loan insurance premiums, and any tax imposed by a city or county upon any deed or other instrument by which the property was acquired by the lender and transferred or conveyed to the department; and the costs of foreclosure or of acquiring the property by other means actually paid by the lender and approved by the department; and by (b) deducting from such total amount any amounts received by the lender after the borrower's default on account of the loans or as rent or other income from the property.

436.14. In any case in which a political subdivision defaults on the payment of interest or principal accrued and due on bonds or other evidences of indebtedness insured under this chapter, debentures in an amount equal to the outstanding original principal obligation and interest on the bonds which were accrued and unpaid on the date of default and bearing interest at a rate equal to and payment schedule identical with those of such bonds shall be issued by the State Treasurer upon notification thereof by the department to the bondholders upon the surrender of such bonds to the department.

In any case in which a hospital district defaults on the payment of interest or principal accrued and due on an insured loan secured by a first mortgage, first deed of trust, or other security agreement as authorized by Section 32127.2, debentures shall be issued to the lender in a total face value equal to the outstanding value of the loan as determined by the applicable provisions of Section 436.13 after the state has enforced its rights under such first mortgage, first deed of trust, or other security agreement. Such debentures shall be dated, bear interest, and have a maturity date as prescribed by Section 436.20 as such section relates to Section 436.13.

436.15. Notwithstanding any requirement contained in this chapter relating to acquistion of title and possession of the project property by the lender and its subsequent conveyance and transfer to the department, and for the purpose of avoiding unnecessary conveyance expense in connection with payment of insurance benefits under the provisions of this chapter, the department may, subject to such rules and regulations as it may prescribe, permit the lender to tender to the department a satisfactory conveyance of title and transfer of possession direct from the borrower or other appropriate grantor and to pay to the lender the insurance benefits to which it would otherwise be entitled if such conveyance had been made to the lender and from the lender to the department.

436.16. Upon receiving notice of the default of any loan insured under this chapter the department, in its discretion and for the purpose of avoiding foreclosure under Section 436.13 and notwithstanding the fact that it has previously approved a request of the lender for extensions of the time for curing the default and of the time for commencing fore-

closure proceedings or for otherwise acquiring title to the project property, or has approved a modification of the loan for the purpose of changing the amortization provisions by recasting the unpaid balance, may acquire the loan and security agreements securing such loans upon the issuance to the lender of debentures in an amount equal to the unpaid principal balance of the loan plus any accrued unpaid loan interest plus reimbursement for such costs and attorney's fees of the lender enumerated in Section 436.13.

After the acquisition of such loan and security interests therefor by the department, the lender shall have no further rights, liabilities, or obligations with respect thereto. The provisions of Section 436.13 relating to the issuance of debentures incident to the acquisition of foreclosed properties shall apply with respect to debentures issued under this section, and the provisions of this chapter relating to the rights, liabilities, and obligations of a lender shall apply with respect to the department when it has acquired an insured loan under this section, in accordance with and subject to any regulations prescribed by the department modifying such provisions to the extent necessary to render their application for such purposes appropriate and effective.

436.17. Notwithstanding any other provision of this chapter, after the department determines that the lender and borrower have exhausted all reasonable means of curing any default, the department within its discretion may, when such is in the best interests of the state, the borrower, and the lender, cure the default of the borrower by making payment from the fund directly to the lender of any amounts of the original principal obligation and interest of the loan which are accrued and unpaid. Such payment shall be secured by an assignment to the department of a pro rata share of the security agreements made to the lender and, upon such payment, the borrower shall become liable for repayment of the amount thereof to the department over a period and at a rate of interest as shall be determined by the department.

436.18. The department may at any time, under such terms and conditions as it may prescribe, consent to the lender's release of the borrower from its liability under the loan or the security agreement securing such loan, or consent to the release of parts of the project property from the lien of any security agreement.

436.19. Debentures issued under this chapter shall be in such form and denomination in multiples of one thousand dollars ($1,000), shall be subject to such terms and conditions, shall include such provisions for redemption, if any, as may be prescribed by the department with the approval of the State Treasurer, and may be in coupon or registered form. Any difference between the value of the loan determined as herein provided and the aggregate face value of the debentures issued, not to exceed one thousand dollars ($1,000), shall be adjusted

by the payment of cash by the department to the lender from the fund.

436.20. All debentures issued under this chapter to any lender or bondholder shall be executed in the name of the fund as obligor, shall be signed by the State Treasurer, and shall be negotiable. Pursuant to Sections 436.13 and 436.14, all such debentures shall be dated as of the date of the institution of foreclosure proceedings or as of the date of the acquisition of the property after default by other than foreclosure, or as of such later date as the department, in its discretion, may establish by regulation. The debentures shall bear interest from such date at a rate approved by the State Treasurer, equal to either the rate applicable to the most recent issue of State General Fund bonds or that specified in Section 436.14, shall be payable semiannually on the first day of January and the first day of July of each year except in the case of bonds or other evidences of indebtedness as specified in Section 436.14, and shall have the same maturity date as the loan which they insured. All such debentures shall be exempt, both as to principal and interest, from all taxation now or hereafter imposed by the state or local taxing agencies, shall be paid out of the fund, which shall be primarily liable therefor, and shall be, pursuant to Article XIII, Section 21.5 of the California Constitution, fully and unconditionally guaranteed as to principal and interest by the State of California, which guaranty shall be expressed on the face of the debentures. In the event that the fund fails to pay upon demand, when due, the principal of or interest on any debentures issued under this chapter, the State Treasurer shall pay to the holders the amount thereof which is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, and thereupon to the extent of the amount so paid the State Treasurer shall succeed to all the rights of the holders of such debentures. The fund shall be liable for repayment to the Treasury of any money paid therefrom pursuant to this section in accordance with procedures jointly established by the State Treasurer and the department.

436.21. Notwithstanding any other provision of law relating to the acquisition, management or disposal of real property by the state, the department shall have power to deal with, operate, complete, lease, rent, renovate, modernize, insure, or sell for cash or credit, in its discretion, any properties conveyed to it in exchange for debentures as provided in this chapter; and notwithstanding any other provision of law, the department shall also have power to pursue to final collection by way of compromise or otherwise all claims against borrowers assigned by lenders to the department as provided in this chapter. All income from the operation, rental, or lease of such property and all proceeds from the sale thereof shall be deposited in the fund and all costs incurred by the department in its exercise of powers granted in this section shall be met by the fund.

The power to convey and to execute in the name of the department deeds of conveyance, deeds of release, assignments and satisfactions of loans and mortgages, and any other written instrument relating to real or personal property or any interest therein acquired by the department pursuant to the provisions of this chapter may be exercised by the department or by any officer of the department appointed by it.

436.22. No lender or borrower shall have any right or interest in any property conveyed to the department or in any claim assigned to it, nor shall the department owe any duty to any lender or borrower with respect to the management or disposal of any such property.

Article 4. Termination of Insurance

436.23. Should a borrower be more than 10 days delinquent in paying the premium charges or inspection fees for insurance under this chapter, the department shall notify the borrower in writing. If that payment remains delinquent more than 30 days after the sending of the department's notice to the borrower, the department shall make every reasonable effort to notify the lender in writing. If that delinquency continues, on the 31st day after sending of the department's notice to the lender, the insurance shall be terminated and become null and void.

436.24. The obligation to pay any subsequent premium charge for insurance shall cease, and all rights of the lender and the borrower under this chapter shall terminate as of the date of such notice, as herein provided, in the event that (a) any lender under a loan forecloses on the mortgaged property, or has otherwise acquired the project property from the borrower after default, but does not convey such property to the department in accordance with this chapter, and the department is given written notice thereof, or (b) the borrower pays the obligation under the loan in full prior to the maturity thereof, and the department is given written notice thereof.

436.25. The department is authorized to terminate any insurance contract upon joint request by the borrower and the lender and upon payment of such termination charge as the department determines to be equitable, taking into consideration the necessity of protecting the fund. Upon such termination, borrowers and lenders shall be entitled to the rights, if any, to which they would be entitled under this chapter if the insurance contract were terminated by payment in full of the insured loan.

Article 5. Health Facility Construction Loan Insurance Fund

436.26. There is hereby established a Health Facility Construction Loan Insurance Fund, which shall be used by the department as a revolving fund for carrying out the provisions

and administrative costs of this chapter. The money in the fund is hereby appropriated to the department without regard to fiscal years for the purposes of this chapter.

436.27. Moneys in the fund not needed for the current operations of the department under this chapter shall be invested pursuant to law. The department may, with the approval of the State Treasurer, purchase the debentures issued under this chapter. Debentures so purchased shall be canceled and not reissued.

436.28. The department's authorization to insure health facility construction loans under this chapter shall be limited to a total of not more than one hundred fifty million dollars ($150,000,000) of insurance for each of the first five fiscal years during which this chapter is operative, except that any unused portion of any year's authorization shall be carried forward and added to the amount otherwise authorized for the succeeding fiscal year. Beginning July 1, 1974, there shall be no limits set upon the total amount of insurance which the department may authorize in any fiscal year. The department shall submit a report on the operation and administration of this chapter, including the fiscal condition of the fund, to both houses of the Legislature by the fifth legislative day of the 1974 Regular Session of the Legislature.

SEC. 2. Section 32127.2 is added to the Health and Safety Code, to read:

32127.2. Exclusively for the purpose of securing state insurance of financing for the construction of new health facilities, the expansion, modernization, renovation, remodeling and alteration of existing health facilities, and the initial equipping of any such health facilities under Chapter 4 (commencing with Section 436) of Part 1 of Division 1, and notwithstanding any provision of this division or any other provision or holding of law, the board of directors of any district may (a) borrow money or credit from private or public lenders, as well as by the financing methods specified in this division, and (b) execute in favor of the state first mortgages, first deeds of trust, and such other necessary security interests as the State Department of Public Health may reasonably require in respect to a health facility project property as security for such insurance. No payments of principal, interest, insurance premium and inspection fees, and all other costs of state-insured loans obtained under the authorization of this section shall be made from funds derived from the district's power to tax. It is hereby declared that the authorizations for the executing of such mortgages, deeds of trust and other necessary security agreements by the board and for the enforcement of the state's rights thereunder is in the public interest in order to preserve and promote the health, welfare, and safety of the people of this state by providing, without cost to the state, a state insurance program for health facility construction loans in order to stimulate the flow of private

capital into health facilities construction to enable the rational meeting of the critical need for new, expanded and modernized public health facilities.

SEC. 3. The sum of ninety-four thousand seven hundred fifty-four dollars ($94,754) is hereby appropriated from the General Fund to the Health Facility Construction Loan Insurance Fund for use by the State Department of Public Health to administer Chapter 4 (commencing with Section 436) of Part 1, Division 1 of the Health and Safety Code during the 1969–1970 fiscal year. Any portion of such sum so expended shall be repaid, with such interest as the State Treasurer shall order, by the Health Facility Construction Loan Insurance Fund to the General Fund upon the determination of the State Director of Public Health that such repayment will not impede the administration of Chapter 4 (commencing with Section 436) of Part 1, Division 1 of the Health and Safety Code.

CHAPTER 971

An act to amend Sections 8551, 8571, 9305, 9959, and 10013 of the Education Code, relating to education.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 28, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 8551 of the Education Code is amended to read:

8551. The adopted course of study for grades 1 through 6 shall include instruction, beginning in grade 1 and continuing through grade 6, in the following areas of study:

(a) English, including knowledge of, and appreciation for literature and the language, as well as the skills of speaking, reading, listening, spelling, handwriting, and composition.

(b) Mathematics, including concepts, operational skills, and problem solving.

(c) Social sciences, drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology, and sociology, designed to fit the maturity of the pupils. Instruction shall provide a foundation for understanding the history, resources, development, and government of California and the United States of America; the development of the American economic system including the role of the entrepreneur and labor; man's relations to his human and natural environment; eastern and western cultures and civilizations; and contemporary issues.

(d) Science, including the biological and physical aspects, with emphasis on the processes of experimental inquiry.

(e) Fine arts, including instruction in the subjects of art and music, aimed at the development of aesthetic appreciation and the skills of creative expression.

(f) Health, including instruction in the principles and practices of individual, family, and community health.

(g) Physical education, with emphasis upon such physical activities for the pupils as may be conducive to health and vigor of body and mind, for a total period of time of not less than 200 minutes each 10 schooldays, exclusive of recesses and the lunch period.

(h) Such other studies as may be prescribed by the governing board.

SEC. 2. Section 8571 of the Education Code is amended to read:

8571. The adopted course of study for grades 7 through 12 shall offer courses in the following areas of study:

(a) English, including knowledge of and appreciation for literature, language, and composition, and the skills of reading, listening, and speaking.

(b) Social sciences, drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology, and sociology, designed to fit the maturity of the pupils. Instruction shall provide a foundation for understanding the history, resources, development, and government of California and the United States of America; the development of the American economic system including the role of the entrepreneur and labor; man's relations to his human and natural environment; eastern and western cultures and civilizations; and contemporary issues.

(c) Foreign language or languages, beginning not later than grade 7, designed to develop a facility for understanding, speaking, reading, and writing the particular language.

(d) Physical education, with emphasis given to such physical activities as may be conducive to health and to vigor of body and mind.

(e) Science, including the physical and biological aspects, with emphasis on basic concepts, theories, and processes of scientific investigation, and with appropriate applications of the interrelation and interdependence of the sciences.

(f) Mathematics, including instruction designed to develop mathematical understandings, operational skills, and insight into problem solving procedures.

(g) Fine arts, including art, music, or drama, with emphasis upon development of aesthetic appreciation and the skills of creative expression.

(h) Applied arts, including instruction in the areas of home economics, industrial arts, business education, or agriculture, for general education or prevocational or occupational training.

(i) Automobile driver education, designed to develop a knowledge of the provisions of the Vehicle Code and other laws of this state relating to the operation of motor vehicles, a proper acceptance of personal responsibility in traffic, a true appreciation of the causes, seriousness and consequences of traffic accidents, and to develop the knowledge and attitudes necessary for the safe operation of motor vehicles.

(j) Such other studies as may be prescribed by the governing board.

SEC. 3. Section 9305 of the Education Code is amended to read:

9305. The board shall, when adopting textbooks and teacher's manuals for use in elementary schools for the teaching of courses in civics and history of the United States and the State of California, include only such textbooks which correctly portray the role and contribution of the American Negro and members of other ethnic groups and the role and contributions of the entrepreneur and labor in the total development of the United States and of the State of California.

SEC. 4. Section 9959 of the Education Code is amended to read:

9959. When, in the judgment of the State Board of Education, there exists sufficient evidence that a textbook offered and sold by a publisher for use as a textbook in any public high school in the state contains sectarian or denominational doctrine contrary to law or contains propaganda injurious to the welfare of the public schools, the board shall cause the book to be investigated by a committee of impartial experts. The committee shall be constituted and shall conduct its investigation under such rules and regulations as may be prescribed by the State Board of Education. If, in the opinion of the committee, the textbook does contain sectarian or denominational doctrine contrary to law or does contain propaganda injurious to the welfare of the public schools, or does not correctly portray the role and contribution of the American Negro and members of other ethnic groups and the role of the entrepreneur and labor in the total development of the United States and of the State of California, the Board of Education may order that the publisher shall cease to offer and sell such textbook for use as a textbook in any public high school in the state. If the State Board of Education shall make such an order, it shall be illegal for any district to purchase copies of such textbook for use as a textbook in any high school or to continue the use of the book as a textbook beyond the close of the current school year.

SEC. 5. Section 10013 of the Education Code is amended to read:

10013. When adopting the textbooks and teachers' manuals for use in high schools for teaching of the required courses in civics and the history of the United States and California, the governing board of each high school district shall include only such textbooks which conform with the required courses and correctly portray the role and contributions of the American Negro and members of other ethnic groups and the role and contributions of the entrepreneur and labor in the total development of the United States and of the State of California.

CHAPTER 972

An act to amend Sections 12454, 12756 and 16701 of the Education Code, relating to penalties.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 28, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 12454 of the Education Code is amended to read:

12454. Any parent, guardian, or other person having control or charge of any pupil who fails to comply with the provision of this chapter, unless excused or exempted therefrom, is guilty of a misdemeanor, and shall be punished as follows:

(1) Upon a first conviction, by a fine of not more than twenty-five dollars ($25) or by imprisonment in the county jail for a period of not more than five days.

(2) Upon a second or subsequent conviction, by a fine of not less than twenty-five dollars ($25) or more than two hundred fifty dollars ($250), by imprisonment in the county jail for a period of not less than five days or more than 25 days, or by both such fine and imprisonment.

SEC. 2. Section 12756 of the Education Code is amended to read:

12756. Any parent, guardian, or other person having control or charge of any minor subject to this chapter who fails to perform any of the duties imposed upon him by the provisions of Section 12751 is guilty of a misdemeanor, and shall be punished as follows:

(1) Upon a first conviction, by a fine of not more than twenty-five dollars ($25) or by imprisonment in the county jail for a period of not more than five days.

(2) Upon a second or subsequent conviction, by a fine of not less than twenty-five dollars ($25) or more than two hundred fifty dollars ($250), by imprisonment in the county jail for a period of not less than five days or more than 25 days, or by both such fine and imprisonment.

SEC. 3. Section 16701 of the Education Code is amended to read:

16701. Any person who willfully disturbs any public school or any public school meeting is guilty of a misdemeanor, and shall be punished by a fine of not more than two hundred fifty dollars ($250).

CHAPTER 973

An act to add Sections 12415 and 12416 to the Education Code, relating to truancy.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 28, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 12415 is added to the Education Code, to read:

12415. The county superintendent of schools in each county shall annually report to the Superintendent of Public Instruction the number and types of requests for petitions made by school districts of the county pursuant to this chapter and shall certify to the Superintendent of Public Instruction whether or not each school district within the county has complied with provisions of this chapter. Reports shall be submitted on forms prepared by the Superintendent of Public Instruction.

SEC. 2. Section 12416 is added to the Education Code, to read:

12416. The governing board of each school district shall adopt rules and regulations to require the appropriate officers and employees of the district to gather and transmit to the county superintendent of schools the information required to be reported by the county superintendent of schools as required by this chapter.

CHAPTER 974

An act to amend Section 2396 of the Business and Professions Code, relating to physicians and surgeons.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 28, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 2396 of the Business and Professions Code is amended to read:

2396. Unless the holder of any certificate provided for in this chapter or any preceding medical practice act has been granted the degree of doctor of medicine after the completion of a full course of study as prescribed by an approved medical school in accordance with the provisions of this chapter, or any preceding medical practice act, the use of the term or suffix "M.D." constitutes unprofessional conduct within the meaning of this chapter.

However, any person holding a physician's and surgeon's certificate under the jurisdiction of the Board of Osteopathic Examiners of the State of California and a degree of Doctor

of Medicine issued by a medical school located in the State of California at any time prior to September 30, 1962, and approved either by the Board of Osteopathic Examiners of the State of California or the Board of Medical Examiners of the State of California at the time of the issuance of such degree, who applies in writing to the Board of Medical Examiners for permission to utilize his degree of doctor of medicine, shall be authorized to use the term or suffix "M D.," and such use shall not be unprofessional conduct, so long as such person advises both the Board of Medical Examiners and the Board of Osteopathic Examiners, in writing, that he has elected to use the term or suffix "M.D.," and has elected not to use the term or suffix "D.O." In the event of such election, the use of the term or suffix "D.O." constitutes unprofessional conduct within the meaning of this chapter.

CHAPTER 975

An act to add Chapter 14 (commencing with Section 25990) to Division 20 of the Health and Safety Code, relating to importation of wild animals, and making an appropriation therefor.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 28, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 14 (commencing with Section 25990) is added to Division 20 of the Health and Safety Code, to read:

CHAPTER 14. IMPORTATION OF WILD ANIMALS

Article 1. General

25990. As used in this chapter, "wild animal" refers to any animal of the class Aves (birds) or class Mammalia (mammals) which either is not normally domesticated in this state or not native to this state.

25990.1. As used in this chapter, "enforcement officer" means any officer, employee, or agent of the state department, local health officer, or of any state or local agency with which an agreement has been made to enforce the provisions of Article 3 (commencing with Section 25994) of this chapter, or local health officer.

25990.2. The state department may enter into agreement with any state or local agency for the enforcement of the provisions of Article 3 (commencing with Section 25994) of this chapter.

25990.3. The state department shall publish from time to time a list of animals which may not be imported into this state except by permit from the state department. Unless such

a permit is issued pursuant to the provisions of this chapter, it is unlawful to import into this state any wild animal for which a permit is required by the state department.

25990.5. The State Board of Public Health may promulgate regulations governing the entry, quarantine, or release from quarantine, of any and all wild animals imported into this state pursuant to the provisions of this chapter. The regulations shall be designed to protect the public health against diseases known to occur in any such animals.

25990.7. The violation of any provision of this chapter shall be a misdemeanor.

Article 2. Permits

25992. The state department may issue a written permit to import into this state any wild animal specified by the state department pursuant to Section 25990.3, upon determination that the public health and safety will not be endangered by such importation in accordance with the terms and conditions of such permit.

25992.3. A permit shall be issued only upon written application from the person desiring to import the species, enumerating all of the following:

(a) The number and true scientific name of each species of wild animal for which a permit is requested.

(b) The carrier and probable point of first arrival in this state of each shipment of such species.

(c) The purpose for which they are to be imported.

(d) The name and address of the consignee.

(e) The name and address of the consignor.

(f) The place or premises where the animals shall be held in quarantine pending the completion of such tests, veterinary examinations, and observation period as may be specified by the department as a condition of the permit required under this chapter.

(g) The name and address of the licensed veterinarian who shall conduct such tests and examinations as specified by the state department pursuant to this chapter.

25992.5. Each permit issued shall set forth the following:

(a) The number and true scientific name of the species of wild animal for which the permit is granted.

(b) A statement of the terms and conditions under which the entry of such species is permitted.

(c) The place and conditions of quarantine where required.

(d) A statement of such tests, veterinary examinations, observation period, and quarantine period as may be specified by the state department.

25992.7. Whenever any permit is issued under provisions of this article, one copy shall be sent by the state department to the local health officer of the county where such species will be held in quarantine, two copies shall accompany each shipment of wild animals involved.

25992.8. The state department shall charge a fee for the issuance of the import permit provided for under Section 25992. The department shall provide by regulation the amount of the fee to be collected, the total amount of such fees to yield a sum approximating the cost of the administration and enforcement of this chapter. All such fees shall be paid by the state department into the General Fund.

Article 3. Regulation and Enforcement

25994. Any person who imports, transports into the state, or receives, any live wild animal enumerated in or designated pursuant to Section 25990.3, shall hold such animal in confinement for inspection and immediately notify the state department of the arrival thereof. If there is found in any shipment any species not specified in the permit issued under this chapter and subject thereto, or more than the number of any species specified, such animals shall be refused admittance as provided under Section 25994.7.

25994.3. If, during inspection upon arrival any wild animal is found to be diseased, or there is reason to suspect the presence of disease which will or may endanger the public health and safety, the diseased animal, and, if necessary, the entire shipment shall be destroyed by or under the supervision of the enforcing officer, unless the public health and safety will not be endangered by its detention in quarantine for a time and under conditions satisfactory to the enforcing officer for disinfection, treatment, or diagnosis, or no detriment can be caused by its return to point of origin at the option and expense of the owner or bailee.

25994.5. Whenever any wild animal brought into this state under permit is quarantined as provided in this chapter, such species shall not be released from quarantine except by release in writing from the state department. All such tests, veterinary examinations, and quarantines shall be at the expense of the owner or bailee of the animals involved. Any species refused release from quarantine under this section shall be destroyed, detained, or returned to its point of origin as provided in Section 25994.3.

25994.7. Any live wild animal brought into this state in violation of the provisions of this chapter or any regulations thereunder may, upon notice from the enforcing officer inspecting them or discovering the violation, be returned to the point of origin, or destroyed, within the time specified in such notice, at the option of the owner or bailee.

The exercise of any such option shall be under the direction and control of the enforcing officer and at the expense of the owner or bailee. If the owner or bailee fails to exercise such option within the time specified in the notice, the enforcing officer shall immediately thereafter seize and destroy the animals at the expense of the owner or bailee.

25994.8. The provisions of this chapter, or any regulations adopted hereunder, shall not authorize the importation, transportation, or possession of any live wild animals enumerated in Chapter 2 (commencing with Section 2116) of Division 3 of the Fish and Game Code or the regulations of the Fish and Game Commission adopted thereunder, except as therein provided.

SEC. 2. This act shall be applicable to the extent that it is not in conflict with federal law, or rules or regulations adopted thereunder.

SEC. 3. The sum of twenty-eight thousand nine hundred forty-seven dollars ($28,947) is hereby appropriated from the General Fund to the Department of Public Health in augmentation of Item 161 of Chapter 355, Statutes of 1969.

CHAPTER 976

An act authorizing the conveyance of certain park rights-of-way to Cabrillo College.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 28, 1969.]

The people of the State of California do enact as follows:

SECTION 1. The Director of Parks and Recreation is authorized to convey to Cabrillo College all right, title and interest of the State of California in and to that certain right-of-way described in the instrument between B. F. Porter, et al., and Thomas Fallon, dated August 22, 1866, recorded October 19, 1866, in Book One of Agreements, Records of Santa Cruz County, page 178, upon the terms and conditions specified in Section 2 of this act; provided, however, that at the time of such conveyance, that there be no restriction upon the properties described and known as The Forest of Nisene Marks State Park, or any portion thereof which will cause a reversion of such properties or any portion thereof to the former owners, or their heirs, successors or assigns.

SEC. 2. The Director of Parks and Recreation shall not make a conveyance as specified in Section 1 of this act until he determines that Cabrillo College has replaced the easement to be conveyed with a suitable easement from the remaining park right-of-way to the end of Vienna Drive.

SEC. 3. The conveyance authorized by Section 1 of this act shall be exchanged for a conveyance of easement to the Department of Parks and Recreation as approved by the Director of Parks and Recreation pursuant to Section 2 hereof.

CHAPTER 977

An act to add Section 8506 to the Education Code, relating to sex education.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 28, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 8506 is added to the Education Code, to read:

8506. No governing board of a public elementary or secondary school may require pupils to attend any class in which human reproductive organs and their functions and processes are described, illustrated or discussed, whether such class be part of a course designated "sex education" or "family life education" or by some similar term, or part of any other course which pupils are required to attend.

If classes are offered in public elementary and secondary schools in which human reproductive organs and their functions and processes are described, illustrated or discussed, the parent or guardian of each pupil enrolled in such class shall first be notified in writing of the class. Sending the required notice through the regular United States mail, or any other method which such local school district commonly uses to communicate individually in writing to all parents, meets the notification requirements of this paragraph.

Opportunity shall be provided to each parent or guardian to request in writing that his child not attend the class. Such requests shall be valid for the school year in which they are submitted but may be withdrawn by the parent or guardian at any time. No child may attend a class if a request that he not attend the class has been received by the school.

Any written or audiovisual material to be used in a class in which human reproductive organs and their functions and processes are described, illustrated, or discussed shall be available for inspection by the parent or guardian at reasonable times and places prior to the holding of a course which includes such classes. The parent or guardian shall be notified in writing of his opportunity to inspect and review such materials.

This section shall not apply to description or illustration of human reproductive organs which may appear in a textbook, adopted pursuant to law, on physiology, biology, zoology, general science, personal hygiene, or health.

Nothing in this section shall be construed as encouraging the description, illustration, or discussion of human reproductive organs and their functions and processes in the public elementary and secondary schools.

The certification document of any person charged with the responsibility of making any instructional material available

for inspection under this section or who is charged with the responsibility of notifying a parent or guardian of any class conducted within the purview of this section, and who knowingly and willfully fails to make such instructional material available for inspection or to notify such parent or guardian, may be revoked or suspended because of such act. The certification document of any person who knowingly and willfully requires a pupil to attend a class within the purview of this section when a request that the pupil not attend has been received from the parent or guardian may be revoked or suspended because of such act.

CHAPTER 978

An act to amend Sections 31641.95 and 31653 of the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 28, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 31641.95 of the Government Code is amended to read:

31641.95. Sections 31470.7, 31478, 31479, 31480, 31641.1, 31641.2, 31641.3, 31641.4, 31641.8, and 31641.9 may only be applicable in any county or district on the first day of the month after the governing board of such county or district adopts, by majority vote, a resolution providing that those sections shall become applicable in such county or district. Such resolution may limit the applicability of such sections to any one or more of the public agencies as defined by Section 31478.

At any time after such a resolution has been adopted, the governing board of the county or district, by majority vote, may adopt a further resolution declaring that from and after a future date stated further in the resolution, the benefits of the resolution described in the first paragraph of this section shall not be available to any employees who are hired by the county or district after that date.

SEC. 2. Section 31653 of the Government Code is amended to read:

31653. Notwithstanding the provisions of this article, the governing board of the county or district may elect to contribute for any member of this system who is absent from and reenters the service of the county or district pursuant to Section 31649 of this code, amounts equal to the contributions which would have been made by the member and his employer to the system on the basis of his compensation earnable at the commencement of his absence, if he had not been so absent.

If the governing board elects to make any member's contributions pursuant to this section:

(a) Any such member who exercises or did exercise the right to contribute to the system during the period of military service shall have such contributions refunded or credited to his account.

(b) Any such member who withdraws or has withdrawn his accumulated contributions during his military service and who does not or did not redeposit the amount withdrawn upon his return to employment with the county or district is entitled to be credited with any contribution the governing board elects to make, and to receive credit for service during the period he was absent on military service, the same as if he had not withdrawn his accumulated contributions, and his rate for future contributions shall be based upon his age at the commencement of his absence on military service.

(c) The contributions made by the governing board pursuant to this section shall be available only for the purpose of retirement for service or for disability, and shall be made available only for the purpose of retirement, and a member resigning from the service of the county or district after reinstatement from military service shall be entitled to withdraw only that portion of his accumulated contributions personally made by him.

(d) This section shall be retroactively applied to extend its benefits to such members of this system as the governing board may determine whose absence from county service on military service commenced on or after September 16, 1940, and who return or have returned to this service upon the termination of their military service.

CHAPTER 979

An act to add Section 12582.5 to the Water Code, relating to water development projects.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 28, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 12582.5 is added to the Water Code, to read:

12582.5. Recreational uses, such as walkways, pathways, access points and view areas, shall be given consideration in any flood control or water conservation program. In the design, construction and operation of projects, when engineering and economic features of the project make it practicable, adequate provisions shall be made for such public recreational uses. The design of the areas and facilities for such uses shall be prepared in cooperation with the Department of Water Resources.

CHAPTER 980

An act to amend Sections 17054, 17059, 17150, 18681, 18803, 19062.11, 19282, 19285, and 19287 of, to add Section 19053.6 to, and to repeal Sections 18409, 18409.1, 18409.2, 18409.3, 18409.4, 18409.5, 18409.6, 18409.7, 18409.8, and 18409.9 of, the Revenue and Taxation Code, relating to the Personal Income Tax Law, to take effect immediately, tax levy.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 28, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 17054 of the Revenue and Taxation Code is amended to read:

17054. In the case of individuals computing their tax under Section 17041 or Section 17048, the following credits for personal exemption may be deducted from the tax imposed.

(a) In the case of a single individual, a credit of twenty-five dollars ($25).

(b) In the case of a head of household or a married individual, a credit of fifty dollars ($50). A husband and wife shall receive but one credit for personal exemption of fifty dollars ($50). If the husband and wife make separate returns, the credit may be taken by either or divided between them. If one spouse was a resident for the entire year and the other spouse was a nonresident for all or any portion of the taxable year, the personal exemption shall be divided equally and the portion deductible by the nonresident shall be determined under Section 17055. The preceding sentence shall not apply to a nonresident active member of the armed forces of the United States or any auxiliary branch thereof and his or her spouse.

(c) Except as provided in Section 17057(e), a credit of eight dollars ($8) for each dependent (as defined in Section 17056)—

(1) Whose gross income for the calendar year in which the taxable year of the taxpayer begins is less than six hundred dollars ($600), or

(2) Who is a child of the taxpayer and who (A) has not attained the age of 19 at the close of the calendar year in which the taxable year of the taxpayer begins, or (B) is a student.

(3) No exemption shall be allowed under this subdivision for any dependent who has made a joint return with his spouse under Section 18402 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.

(4) For purposes of paragraph (2), the term "child" means an individual who (within the meaning of Section 17182) is a son, stepson, daughter or stepdaughter of the taxpayer.

(5) For purposes of paragraph (2)(B) of this subdivision and Section 17059, the term "student" means an individual who during each of five calendar months during the calendar year in which the taxable year of the taxpayer begins—

(A) Is a full-time student at an educational institution; or

(B) Is pursuing a full-time course of institutional on-farm training under the supervision of an accredited agent of an educational institution or of a state or political subdivision of a state.

For purposes of this paragraph, the term "educational institution" means only an educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on.

(d) A credit for personal exemption of eight dollars ($8) for the taxpayer if he is blind at the close of his taxable year.

(e) A credit for personal exemption of eight dollars ($8) for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse is blind and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(f) For the purposes of this section, an individual is blind only if either: his central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or his visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

SEC. 2. Section 17059 of the Revenue and Taxation Code is amended to read:

17059. For purposes of Section 17056, in the case of any individual who is—

(a) A son, stepson, daughter, or stepdaughter of the taxpayer (within the meaning of this chapter), and

(b) A student (within the meaning of paragraph (5) of subdivision (c) of Section 17054), amounts received as scholarships for study at an educational institution (as defined in paragraph (5) of subdivision (c) of Section 17054) shall not be taken into account in determining whether such individual received more than half of his support from the taxpayer.

SEC. 3. Section 17150 of the Revenue and Taxation Code is amended to read:

17150. (a) Gross income does not include—

(1) Any amount received—

(A) As a scholarship at an educational institution (as defined in subdivision (c) of this section); or

(B) As a fellowship grant;

including the value of contributed services and accommodations; and

(2) Any amount received to cover expenses for—

(A) Travel;

(B) Research;

(C) Clerical help; or

(D) Equipment;

which are incident to such a scholarship or to a fellowship grant, but only to the extent that the amount is so expended by the recipient.

(b) (1) In the case of an individual who is a candidate for a degree at an educational institution (as defined in subdivision (c) of this section), subdivision (a) shall not apply to that portion of any amount received which represents payment for teaching, research, or other services in the nature of part-time employment required as a condition to receiving the scholarship or the fellowship grant. If teaching, research, or other services are required of all candidates (whether or not recipients of scholarships or fellowship grants) for a particular degree as a condition to receiving such degree, such teaching, research, or other services shall not be regarded as part-time employment within the meaning of this subdivision.

(2) In the case of an individual who is not a candidate for a degree at an educational institution (as defined in subdivision (c) of this section), subdivision (a) shall apply only if the condition in subparagraph (A) is satisfied and then only within the limitations provided in subparagraph (B).

(A) The grantor of the scholarship or fellowship grant is—

(i) An organization described in Section 23701d of the Bank and Corporation Tax Law which is exempt from tax under Section 23701 of the Bank and Corporation Tax Law,

(ii) A foreign government,

(iii) An international organization, or a binational or multinational educational and cultural foundation or commission created or continued pursuant to the Mutual Educational and Cultural Exchange Act of 1961, or

(iv) The United States, an instrumentality or agency thereof, or a state, a territory, or a possession of the United States, or any political subdivision thereof, or the District of Columbia.

(B) The amount of the scholarship or fellowship grant excluded under paragraph (1) of subdivision (a) in any taxable year shall be limited to an amount equal to three hundred dollars ($300) times the number of months for which the recipient received amounts under the scholarship or fellowship grant during such taxable year, except that no exclusion shall be allowed under subdivision (a) after the recipient has been entitled to exclude under this section for a period of 36 months (whether or not consecutive) amounts received as a scholarship or fellowship grant while not a candidate for a degree at an educational institution (as defined in subdivision (c) of this section).

(c) For the purposes of this section, the term "educational institution" means only an educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in at-

tendance at the place where its educational activities are carried on.

SEC. 5. Section 18409 of the Revenue and Taxation Code is repealed.

SEC. 6. Section 18409.1 of the Revenue and Taxation Code is repealed.

SEC. 7. Section 18409.2 of the Revenue and Taxation Code is repealed.

SEC. 8. Section 18409.3 of the Revenue and Taxation Code is repealed.

SEC. 9. Section 18409.4 of the Revenue and Taxation Code is repealed.

SEC. 10. Section 18409.5 of the Revenue and Taxation Code is repealed.

SEC. 11. Section 18409.6 of the Revenue and Taxation Code is repealed.

SEC. 12. Section 18409.7 of the Revenue and Taxation Code is repealed.

SEC. 13. Section 18409.8 of the Revenue and Taxation Code is repealed.

SEC. 14. Section 18409.9 of the Revenue and Taxation Code is repealed.

SEC. 15. Section 18681 of the Revenue and Taxation Code is amended to read:

18681. If any taxpayer fails to make and file a return required by this part on or before the due date of the return or the due date as extended by the Franchise Tax Board, then, unless it is shown that the failure is due to reasonable cause and not due to willful neglect, 5 percent of the tax shall be added to the tax for each month or fraction thereof elapsing between the due date of the return and the date on which filed, but the total penalty shall not exceed 25 percent of the tax. The penalty so added to the tax shall be due and payable upon notice and demand from the Franchise Tax Board.

SEC. 16. Section 18803 of the Revenue and Taxation Code is amended to read:

18803. Such a return may be required, regardless of amounts, in the case of

(a) Payments of interest upon bonds, mortgages, deeds of trust, or other similar obligations of corporations; interest on deposits with persons carrying on the banking business; amounts (whether or not designated as interest) paid by a mutual savings bank, savings and loan association, building and loan association, cooperative bank, homestead association, credit union, or similar organization, in respect of deposits, investment certificates, or withdrawable or repurchasable shares; interest on amounts held by an insurance company under an agreement to pay interest thereon; and interest on deposits with stockbrokers and dealers in securities.

(b) Dividends paid by corporations.

(c) Collections of items (not payable in the United States) of interest upon the bonds of foreign countries and interest upon the bonds of and dividends from corporations created or organized in a foreign country by persons undertaking as a matter of business or for profit the collection of foreign payments of such interest or dividends by means of coupons, checks, or bills of exchange.

SEC. 17. Section 19053.6 is added to the Revenue and Taxation Code, to read:

19053.6. If a taxpayer is required to report a change or correction by the Commissioner of Internal Revenue or other officer of the United States or other competent authority or to file an amended return as required by Section 18451 and does report such change or files such return, a claim for credit or refund resulting from such adjustment may be filed by the taxpayer within six months from the date when such notice or amended return is filed with the Franchise Tax Board by the taxpayer, or within the period provided in Sections 19053 and 19053.1, whichever period expires later.

SEC. 18. Section 19062.11 of the Revenue and Taxation Code is amended to read:

19062.11. If any overpayment of tax imposed by this part is refunded or credited within 90 days after the return is filed, or within 90 days after the last day prescribed for filing the return of such tax (determined without regard to any extension of time for filing the return), whichever is later, no interest shall be allowed under Section 19062 on such overpayment.

SEC. 19. Section 19282 of the Revenue and Taxation Code is amended to read:

19282. Except as otherwise provided in this article, it is a misdemeanor for the Franchise Tax Board or any member thereof, or any deputy, agent, clerk, or other officer or employee of the state (including its political subdivisions) who in the course of his or her employment or duty has access to returns, reports, or documents required under this part, to disclose or make known in any manner information as to the amount of income or any particulars set forth or disclosed therein.

SEC. 20. Section 19285 of the Revenue and Taxation Code is amended to read:

19285. The Attorney General or other legal representatives of the state may inspect the report or return of any taxpayer who brings an action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted to recover any tax or any penalty imposed by this part. In addition, the Attorney General may inspect any report or return required under this part when required in the enforcement of any public or charitable trust or in compelling adherence to any charitable purposes for which any nonprofit corporation is formed.

SEC. 21. Section 19287 of the Revenue and Taxation Code is amended to read:

19287. Except as otherwise provided by this article, the information furnished or secured pursuant to either this article or the express provisions of law, shall be used solely for the purpose of administering the tax laws or other laws administered by the person or agency obtaining it. Any unwarranted disclosure or use of the information by the person or agency, or the employees and officers thereof, is a misdemeanor.

SEC. 22. The provisions of this act effecting changes in the computation of taxes shall be applied to taxable years beginning on or after January 1, 1969. The other provisions will be applied on and after the effective date of this act.

SEC. 23. Sections 1 to 3, inclusive, of this act provide for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 981

An act to amend Sections 1675, 1704, 1712.5, 1713, 1714, and 1751.3 of the Insurance Code, relating to licenses.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 28, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 1675 of the Insurance Code is amended to read:

1675. Except as provided in Section 1680, the following applicants who have theretofore been licensed under this code are exempt from the requirements of this article:

(a) An applicant for a license to act as an insurance broker who has been licensed as an insurance broker or surplus line broker during any part of the license year in which the application is filed or the immediately preceding license year;

(b) An applicant for a license to act as an insurance agent or insurance solicitor who has been licensed as an insurance broker, surplus line broker, insurance agent or insurance solicitor during any part of the license year in which the application is filed or the immediately preceding license year;

(c) An applicant for a license to act as a life only agent who has been licensed to transact life insurance during any part of the license year in which the application is filed or the immediately preceding license year;

(d) An applicant for a license to act as a life and disability agent who has been licensed to transact life insurance and all types of disability insurance during any part of the license year in which the application is filed or the immediately preceding license year;

(e) An applicant for a license to act as a disability only agent who has been licensed to transact all types of disability insurance during any part of the license year in which the application is filed or the immediately preceding license year;

(f) An applicant for a license to act as travel insurance agent;

(g) An applicant specifically exempted from the particular qualifying examination requirement by other provisions of this code.

SEC. 2. Section 1704 of the Insurance Code is amended to read:

1704. (a) Every applicant for a license to act as a life agent, an insurance agent, or a travel insurance agent shall have filed on his behalf with the commissioner a notice of appointment executed by an insurer, or its authorized representative, admitted to transact one or more classes of insurance included within the scope of the license sought, appointing the applicant, upon licensing, its agent within this state. Additional notices of appointment may be filed by other insurers before such license is issued and thereafter as long as such license remains in force. Each such appointment shall by its terms continue in force until:

(1) The cancellation or expiration of the license applied for or held at the time such appointment was filed.

(2) The filing of a notice of termination by the insurer or by such life agent, insurance agent or travel insurance agent.

(b) Upon the termination of all appointments, the license shall not be canceled, but shall become inactive. It may be renewed pursuant to Section 1718. It may be reactivated at any time prior to its expiration by the filing of one or more new appointments by insurers pursuant to this section, Section 1707, and Section 1751.3. An inactive license shall not permit its holder to transact any insurance for which a valid, active license is required.

SEC. 3. Section 1712.5 of the Insurance Code is amended to read:

1712.5. The license of an organization licensed as an insurance agent, life agent, or insurance broker shall become inoperative upon: the removal of the last natural person named thereon.

Unless such license is reactivated within 30 days by the correction of all deficiencies including, if necessary, the adding of a natural person to transact insurance under the authority of the organization's license pursuant to Section 1661, the license shall automatically terminate and may not be renewed, and the physical evidence of the license shall be returned by its lawful custodian to the commissioner.

SEC. 4. Section 1713 of the Insurance Code is amended to read:

1713. Upon the termination of the employment of an insurance solicitor by an insurance agent or insurance broker,

his license shall become inactive and shall be returned by its lawful custodian to the commissioner. Such license may be renewed pursuant to Section 1718. It may be reactivated at any time prior to its expiration at the request, in writing, of any person named therein as solicitor upon the filing of the statement of an employing agent or broker agreeing to employ such person as a solicitor and upon the payment of the filing fee presented in Section 1751.3.

SEC. 5. Section 1714 of the Insurance Code is amended to read:

A person shall not be permitted to take an examination for a license as a life agent, an insurance agent or an insurance solicitor unless at the time of the administration thereof he is in compliance with subdivision (a) of Section 1704 or Section 1657, as the case may be.

SEC. 6. Section 1751.3 of the Insurance Code is amended to read:

1751.3. The commissioner shall require five dollars ($5) in advance as a fee for filing:

(1) Each notice of appointment pursuant to Section 1707 of any of the following:

(a) An insurance agent.

(b) A life agent.

(c) A travel insurance agent.

(2) Each request and statement filed pursuant to Section 1713.

CHAPTER 982

An act to amend Section 2205 of the Civil Code, relating to common carriers.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 28, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 2205 of the Civil Code is amended to read:

2205. The liability of any stageline, transfer company, or other common carriers operating over the public highways for the loss of or for damage to any baggage shall not exceed the sum of one hundred dollars ($100) for each trunk and its contents; fifty dollars ($50) for each valise, suitcase or traveling bag and its contents; or fifty dollars ($50) for each box, bundle, or package and its contents, unless a higher valuation is declared at the time of delivery of such baggage to the carrier and assented thereto in writing by such carrier.

CHAPTER 983

An act to amend Sections 9650, 9650.3, 9652, and 9656 of, and to add Sections 9656.1, 9656.2, 9656.3 and 9656.4 to the Business and Professions Code, and to amend Section 8738 of the Health and Safety Code, relating to cemeteries.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 28, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 9650 of the Business and Professions Code is amended to read:

9650. Each cemetery authority in charge of cemetery endowment care funds shall file with the board annually, on or before April 1st, or within three months after close of their fiscal year provided approval has been granted by the board as provided for in Section 9650.1, a written report in form prescribed by the board setting forth:

(a) The number of square feet of grave space and the number of crypts and niches sold or disposed of under endowment care by specific periods as set forth in the form prescribed.

(b) The amount collected and deposited in both the general and special endowment care funds segregated as to the amounts for crypts, niches and grave space by specific periods as set forth either on the accrual or cash basis at the option of the cemetery authority.

(c) A statement showing separately the total amount of the general and special endowment care funds invested in each of the investments authorized by law and the amount of cash on hand not invested, which statement shall actually show the financial condition of the funds.

(d) A statement showing separately the location, description, and character of the investments in which the special endowment care funds are invested. Such statement shall show the valuations of any securities held in the endowment care fund as valued pursuant to Section 9659.

(e) A statement showing the transactions entered into between the corporation or any officer, employee or stockholder thereof and the trustees of the endowment care funds with respect to such endowment care funds. Such statement shall show the dates, amounts of the transactions, and shall contain a statement of the reasons for such transactions.

The report shall be verified by the president or vice president and one other officer of the cemetery corporation and shall be certified by the accountant or auditor preparing the same.

SEC. 2. Section 9650.3 of the Business and Professions Code is amended to read:

9650.3. The reports to the board are not public documents, and shall not be open to inspection by the public, except that

a grand jury, a court, a district attorney, or the Attorney General, acting within the scope and course of their duties, may inspect such reports.

SEC. 3. Section 9652 of the Business and Professions Code is amended to read:

9652. The board shall examine the endowment care funds of a cemetery authority:

(a) Whenever it deems necessary and at least once every five years;

(b) Whenever the cemetery authority in charge of endowment care funds fails to file the report required by this article; or

(c) Whenever it is requested by verified petition signed by 10 persons interested as lot owners or members, alleging that the endowment care funds are not in accordance with the law.

(d) Whenever it is requested by a grand jury.

The expense of the examination as provided in subdivisions (a) and (b) shall, in the discretion of the board, be paid by the cemetery authority, not exceeding one hundred dollars ($100) per day for each examiner engaged in the examination whenever the examination requires more than two days.

SEC. 5. Section 9656 of the Business and Professions Code is amended to read:

9656. Whenever the board finds, after notice and hearing, that any endowment care funds have been invested in violation of the Health and Safety Code, it shall by written order mailed to the person or body in charge of the fund require the reinvestment of the funds in conformity to that code within a period which shall be not less than two years where the investment was made prior to October 1, 1949, not less than six months where such investment was made on or after October 1, 1949, and before the effective date of the amendment of this section by the 1969 Regular Session of the Legislature, and not less than 30 days where such investment is made on or after the effective date of such amendment. Such period may be extended by the board in its discretion.

SEC. 6. Section 9656.1 is added to the Business and Professions Code, to read:

9656.1. The superior court of the county in which the principal office of the cemetery authority in charge of endowment care funds is located shall, upon the filing by the board of a verified application showing any of the following conditions hereinafter enumerated to exist, issue its order vesting title to any endowment care funds of a cemetery authority in the board, and directing the board forthwith to take possession of all necessary books, records, property, real and personal, and assets, and to conduct as conservator, the management of such endowment care funds, or so much thereof as to the board may seem appropriate:

(a) That such cemetery authority has refused to submit its books, papers, accounts, or affairs to the reasonable examination of the board.

(b) That such cemetery authority has neglected to observe an order of the board to make good within the time prescribed by law any deficiency in its investments of endowment care funds.

(c) That such cemetery authority is found, after an examination, to be in such condition that its further management of its endowment care funds will be hazardous to its members, plot holders, or to the public.

(d) That such cemetery authority has violated its articles of incorporation or any law of the state.

(e) That any officer, director, agent, servant or employee of such cemetery authority person refuses to be examined under oath relative to the endowment care funds thereof.

(f) That any person has embezzled or otherwise wrongfully diverted any of the endowment care funds of such cemetery authority.

Such order shall continue in force and effect until, on the application either of the board or of such cemetery authority, it shall, after a full hearing, appear to the court that the ground for such order does not exist or has been removed and that such cemetery authority can properly resume title and possession of its property and the management of its endowment care funds.

SEC. 7. Section 9656.2 is added to the Business and Professions Code, to read:

9656.2. When it has been alleged by verified petition pursuant to Section 9652 or when the board on its own investigation determines that there is probable cause to believe that any of the conditions set forth in Section 9656.1 exist or that irreparable loss and injury to the endowment care funds of a cemetery authority has occurred or may occur unless the board so acts immediately, the board, without notice and before applying to the court for any order, may take possession of the endowment care funds and the books, records, and accounts relating thereto of such cemetery authority, and retain possession subject to the order of the court. Any person having possession of and refusing to deliver any such assets, books or records of a cemetery authority against which a seizure order has been issued by the board, shall be guilty of a misdemeanor and punishable by a fine not exceeding one thousand dollars ($1,000) or imprisonment not exceeding one year, or by both such fine and imprisonment.

SEC. 8. Section 9656.3 is added to the Business and Professions Code, to read:

9656.3. Whenever the board makes any seizure as provided in Section 9656.2, it shall, on demand of the board, be the duty of the sheriff of any county of this state, and of the police

department of any municipal corporation therein, to furnish him with such deputies, patrolmen or officers as may be necessary to assist the board in making and enforcing any such seizure.

SEC. 9. Section 9656.4 is added to the Business and Professions Code, to read:

9656.4. Immediately after effecting a seizure pursuant to Section 9656.2, the board shall institute a proceeding as provided for in Section 9656.1.

SEC. 10. Section 8738 of the Health and Safety Code is amended to read:

8738. An endowment care cemetery is one which has deposited in its endowment care fund the minimum amounts heretofore required by law and shall hereafter have deposited in its endowment care fund at the time of or not later than completion of the initial sale not less than the following amounts for plots sold or disposed of:

(a) One dollar ($1) a square foot for each grave;

(b) Ten dollars ($10) for each niche;

(c) Forty dollars ($40) for each crypt; provided, however, that for companion crypts, there shall be deposited forty dollars ($40) for the first crypt and twenty dollars ($20) for each additional crypt.

CHAPTER 984

An act to amend Section 13460 of, and to add Section 13460.3 to, the Education Code, relating to certificated employees.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 28, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 13460 of the Education Code is amended to read:

13460. Every employee, as a condition to being granted a leave of absence pursuant to Section 13457, shall agree in writing to render a period of service in the employ of the governing board of the district following his return from the leave of absence which is equal to twice the period of the leave. Compensation granted by the governing board to the employee on leave for less than one year may be paid during the first year of service rendered in the employ of the governing board following the return of the employee from the leave of absence or, in the event that the leave is for a period of one year, such compensation may be paid in two equal annual installments during the first two years of such service following the return of the employee. The compensation shall be paid the employee while on the leave of absence in the same manner as if the employee were teaching in the district, upon the furnishing by the employee of a suitable bond indemnifying the governing

board of the district against loss in the event that the employee fails to render the agreed upon period of service in the employ of the governing board following the return of the employee from the leave of absence. The bond shall be exonerated in event the failure of the employee to return and render the agreed upon period of service is caused by the death or physical or mental disability of the employee. If the governing board finds and by resolution declares that the interests of the district will be protected by the written agreement of the employee to return to the service of the district and render the agreed upon period of service therein following his return from the leave, the governing board in its discretion may waive the furnishing of the bond and pay the employee on leave in the same manner as though a bond is furnished.

SEC. 2. Section 13460.3 is added to the Education Code, to read:

13460.3. If the employee does not serve for the entire period of service agreed upon under Section 13460, the amount of compensation paid for the leave of absence shall be reduced by an amount which bears the same proportion to the total compensation as the amount of time which was not served bears to the total amount of time agreed upon. If the employee furnished an indemnity bond, upon default, the proceeds of the bond shall be divided between the employee and the school district in the same proportion as the actual amount of time served bears to the amount of time agreed upon.

CHAPTER 985

An act authorizing the County of Orange to enter into an exchange of property with the Division of Highways, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 28, 1969.]

The people of the State of California do enact as follows:

SECTION 1. The County of Orange is hereby authorized to make an exchange of property acquired pursuant to grant under the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964, and the Budget Act of 1966, Item 418(Q), with the Division of Highways in the Department of Public Works of similar land because a portion of the property so acquired by the County of Orange is required for more necessary public use by the Division of Highways. The County of Orange may exchange such property notwithstanding the provisions of Section 5096.27 of the Public

Resources Code. The exchange of such property shall be subject to the approval of the Resources Agency Administrator.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Certain property granted to the County of Orange under the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964 is urgently needed for state highway purposes and the County of Orange is not authorized to execute a deed of such property to the State of California until such time as this act becomes effective.

CHAPTER 986

An act to amend Section 19533.2 of the Government Code, relating to state employees' seniority.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 28, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 19533.2 of the Government Code is amended to read:

19533.2. A veteran, except a veteran who was reinstated from military leave, shall in the event of layoff receive seniority credit for recognized military service only as follows:

(a) The veteran must have entered the state service within one year after date of discharge or the end of the national emergency or the end of the state military emergency, whichever of these dates is the earlier, or; if more than one year has elapsed, he shall have been in attendance at regular sessions at a college or vocational training school, for not more than five years, commencing within one year of his discharge.

(b) Such credit for recognized military service shall be computed as if it were service in the class to which the employee was first given permanent civil service or exempt appointment after his entry into the state service following recognized military service.

(c) Such seniority credits shall be forfeited in the event of a break in service as provided in Section 19143.

(d) Such seniority credit shall not exceed one years' credit if such veteran had no state service prior to entering the military service.

CHAPTER 987

An act to amend Sections 3950 and 4150 of, to add Section 4189 to, and to add Chapter 10 (commencing with Section 4800) to Part 3 of Division 4 of, the Fish and Game Code, relating to mountain lions.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 28, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 3950 of the Fish and Game Code is amended to read:

3950. Game mammals are: deer (genus Odocoileus), elk (genus Cervus), prong-horned antelope (genus Antilocapra), feral pigs and European wild boars (genus Sus), black and brown or cinnamon bears (genus Euarctos), mountain lions (genus Felis), jackrabbits and varying hares (genus Lepus), cottontails, brush rabbits, pigmy rabbits (genus Sylvilagus), and tree squirrels (genus Sciurus and Tamiasciurus).

SEC. 2. Section 4150 of the Fish and Game Code is amended to read:

4150. Nonprotected mammals are:

(a) Moles of the order Insectivora.

(b) The order Marsupialia (opossums).

(c) The order Rodentia (rats, mice and gophers, porcupines, etc.), excluding the species of the genus Sciurus and the genus Tamiasciurus (tree squirrels), the genus Glaucomys (flying squirrels), the genus Ondatra (muskrats), and the genus Castor (beavers).

(d) Coyotes of the family Canidae.

(e) Weasels and skunks of the family Mustelidae.

(f) Bobcats of the family Felidae.

Nonprotected mammals may be taken at any time.

SEC. 3. Section 4189 is added to the Fish and Game Code, to read:

4189. Any owner or tenant, or the agent of such owner or tenant, of land or property that is being damaged or destroyed or is in immediate danger of being damaged or destroyed by mountain lions may take such mountain lions at any time and in any manner except by means of poison or traps. The taking of any such mountain lion shall be reported in writing within 30 days to the Department of Fish and Game headquarters office in Sacramento.

SEC. 4. Chapter 10 (commencing with Section 4800) is added to Part 3 of Division 4 of the Fish and Game Code, to read:

CHAPTER 10. MOUNTAIN LIONS

4800. It is unlawful to take any mountain lion, except as provided in Section 4189, without first procuring a license tag authorizing the taking of such mountain lion.

4801. Any person 12 years of age or over who possesses a valid hunting license may, upon payment of one dollar ($1), procure the number of mountain lion license tags corresponding to the number of mountain lion that may legally be taken by one person during the current license year.

4802. Mountain lion license tags are valid only during that portion of the current hunting license year in which mountain lion may be taken or possessed in any district.

4803. The holder of a mountain lion license tag shall carry the tag while hunting mountain lion, and upon the killing of any mountain lion shall immediately fill out both parts of the tag and punch out clearly the date of the kill. One part of the tag shall be immediately attached to the ear of the mountain lion and kept attached during the open season and for 15 days thereafter. The other part of the tag shall be immediately sent to the department. Possession of any untagged mountain lion shall be a violation of this section.

4804. Any person who violates any provision of this chapter shall forfeit his mountain lion license tags and no new license tags may be issued to that person during the then current license year for hunting licenses.

4805. Any person legally killing a mountain lion in this state shall have the license tag countersigned by a fish and game commissioner, a person employed in the department, a person designated for this purpose by the commission, or by a justice of the peace, notary public, postmaster, peace officer or by an officer authorized to administer oaths, before transporting such mountain lion except for the purpose of taking it to the nearest officer authorized to countersign the license tag, on the route being followed from the point where the mountain lion is taken.

4806. The provisions of this chapter do not apply to the taking of mountain lion which is otherwise authorized to protect livestock, land, or property from damage or threatened damage from mountain lion.

4807. The department shall make an annual report to the Legislature on the number of mountain lions taken per license year.

4808. This chapter shall become operative on July 1, 1970.

CHAPTER 988

An act to amend Section 1528 of the Fish and Game Code, relating to fish and game management.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 28, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 1528 of the Fish and Game Code is amended to read:

1528. Lands, or lands and water, acquired for public shooting grounds or wildlife management areas shall be operated on a nonprofit basis by the department. Multiple recreational use of wildlife management areas is desirable and such use shall be encouraged by the commission. Except for hunting and fishing purposes, only minimum facilities to permit other forms of multiple recreational use, such as camping, picnicking, boating, or swimming, shall be provided To defray the costs associated with multiple use the commission may determine and fix the amount of, and the department shall collect, fees for any use privileges, provided that tours by organized youth and school groups shall be excepted. Only persons holding valid hunting licenses may apply for or obtain shooting permits for public shooting grounds or wildlife management areas.

CHAPTER 989

An act to add Section 2144.5 to the Business and Professions Code, relating to the practice of medicine.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 28, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 2144.5 is added to the Business and Professions Code, to read:

2144.5. No person licensed under this chapter, who in good faith upon the request of another person so licensed, renders emergency medical care to a person for a medical complication arising from prior care by another person so licensed, shall be liable for any civil damages as a result of any acts or omissions by such licensed person in rendering such emergency medical care.

CHAPTER 990

An act to amend Section 1168 of the Penal Code, relating to sentencing and commitment.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 28, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 1168 of the Penal Code is amended to read:

1168. Every person convicted of a public offense, for which imprisonment in any reformatory or state prison is now prescribed by law shall, unless such convicted person be placed on probation, a new trial granted, or the imposing of sentence

suspended, be sentenced to be imprisoned in a state prison, but the court in imposing the sentence shall not fix the term or duration of the period of imprisonment.

When a defendant has been sentenced to be imprisoned in the state prison and has been committed to the custody of the Director of Corrections, if it is deemed warranted by the diagnostic study and recommendations approved pursuant to Section 5079, the court may, within 120 days of the date of commitment on its own motion, or thereafter upon recommendation of the Director of Corrections, recall the sentence and commitment previously ordered and resentence the defendant in the same manner as if he had not previously been sentenced.

CHAPTER 991

An act to amend Section 20024.01 of the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 28, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 20024.01 of the Government Code is amended to read:

20024.01. For a state member, or for a local member who is an employee of a contracting agency which is subject to the provisions of this section, "final compensation" means the highest average annual compensation earnable by a member during any period of three consecutive years during his membership in the system, including any or all of such period or periods of (a) service required for qualification for membership, or (b) prior service which qualifies for credit under this system, if any, immediately preceding membership, or (c) time prior to entering state service at the compensation earnable by him in the position first held by him in such service, as may be necessary to complete three consecutive years. For the purposes of this section, periods of service separated by a period of retirement or breaks in service may be aggregated to constitute a period of three consecutive years, if the periods of service are consecutive except for such period of retirement or 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. 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 a period of retirement or breaks in service may be aggregated to constitute a period of three consecutive years, if the periods of service are consecutive except for such period of retirement or 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 except in the case of a member who was reinstated from disability retirement. 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. 3. It is the intent of the Legislature, if amendments to Section 20024.01 of the Government Code proposed by both this bill and S.B. 907 are enacted, that both amendments be given effect and incorporated in Section 20024.01 in the form set forth in Section 2 of this act. Therefore, in the event S.B. 907 is enacted and amends Section 20024.01, Section 2 of this act shall become operative at the same time that Section 20024.01 as amended by S.B. 907 becomes operative, and at that time, Section 20024.01 of the Government Code as amended by Section 1 of this act is repealed.

CHAPTER 992

An act to amend Sections 12101, 12401, 12402, 12403 and 12410 of, to amend and renumber Sections 12404 and 12408 of, to add Section 12554 to, and to repeal Section 12409 of, the Education Code, relating to truancy.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 28, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 12101 of the Education Code is amended to read:

12101. Each person between the ages of 6 and 16 years not exempted under the provisions of this chapter is subject to compulsory full-time education. Each person subject to compulsory full-time education and each person subject to compulsory continuation education not exempted under the provisions of Chapter 7 (commencing at Section 12551) shall attend the public full-time day school or continuation school or classes for the full time for which the public schools of the city, city

and county, or school district in which the pupil lives are in session and each parent, guardian, or other person having control or charge of such pupil shall send the pupil to the public full-time day school or continuation school or classes for the full time for which the public schools of the city, city and county, or school district in which the pupil lives are in session.

SEC. 2. Section 12401 of the Education Code is amended to read:

12401. Any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without valid excuse more than three days or tardy in excess of 30 minutes on each of more than three days in one school year is a truant and shall be reported to the attendance supervisor or to the superintendent of the school district.

SEC. 3. Section 12402 of the Education Code is amended to read:

12402. Any pupil who has once been reported as a truant and who is again absent from school without valid excuse one or more days, or tardy on one or more days, shall again be reported as a truant to the attendance supervisor or the superintendent of the district.

SEC. 4. Section 12403 of the Education Code is amended to read:

12403. Any pupil is deemed an habitual truant who has been reported as a truant three or more times.

SEC. 5. Section 12404 of the Education Code is amended and renumbered to read:

12408. Any pupil who has once been adjudged an habitual truant or habitually insubordinate or disorderly during attendance at school 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, or habitually insubordinate or disorderly during attendance at school, shall be brought to the attention of the pupil's probation or parole officer.

SEC. 6. Section 12408 of the Education Code is amended and renumbered to read:

12404. If any pupil 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. 7. Section 12409 of the Education Code is repealed.

SEC. 8. Section 12410 of the Education Code is amended to read:

12410. The court, in addition to any judgment it may make regarding the pupil, may render judgment that the parent, guardian, or person having the control or charge of

the pupil shall deliver him at the beginning of each school-day, for the remainder of the school term, at the school from which he is a truant, or in which he has been insubordinate or disorderly during attendance, or to a school designated by school authorities.

SEC. 9. Section 12554 is added to the Education Code, to read:

12554. If any person subject to the provisions of this chapter is an habitual truant or is irregular in attendance as required by this chapter 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.

CHAPTER 993

An act to add Section 24205 to the Education Code, to amend Section 10203.4 of, and to add Section 10203.1 to, the Insurance Code, relating to California State Colleges.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 28, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 24205 is added to the Education Code, to read:

24205. The trustees, subject to such conditions as they may establish, may enter into contracts of group life insurance and contracts of group disability insurance with respect to any class of their employees they may designate or with respect to all such employees, with any insurer or nonprofit hospital service plan corporation they may select; provided, that all applicable provisions of the Insurance Code relating to any such insurance, or to the qualifications of the insurer or nonprofit hospital service plan corporation, are satisfied.

SEC. 2. Section 10203.1 is added to the Insurance Code, to read:

10203.1. Life insurance conforming to all the following conditions is another form of group life insurance:

(a) Written under a policy covering, when issued, not less than 25 employees in any class of employees of the Trustees of the California State Colleges, or all employees of the Trustees of the California State Colleges, designated by the trustees pursuant to Section 24205 of the Education Code.

(b) Written under a policy issued to the Trustees of the California State Colleges pursuant to Section 24205 of the Education Code.

(c) The premium on the policy is to be paid by such employees alone, or in part by the State of California with the remainder to be paid by such employees. Payment of such

premium by a third party on behalf of such employees shall be considered payment by such employees.

(d) Insuring only such employees of the Trustees of the California State Colleges.

(e) Insuring for amounts of insurance based upon some plan which will preclude individual selection.

(f) Insuring for the benefit of persons other than such employees.

(g) Written under a policy insuring, when issued, not less than 75 percent of all such employees eligible for insurance under the policy, or 75 perecnt of such employees reasonably determined by conditions pertaining to employment or of any established unit thereof not formed for the purpose of procuring insurance; provided, that if a group policy is intended to insure several such classes or units it may be issued as respects any such class or unit of which 75 percent are covered and extended to other such units or classes as 75 percent thereof express the desire to be covered. In such case, when such employees apply and pay for additional amounts of insurance, a smaller percentage of such employees may be insured for such additional amounts of insurance. If any such employee fails to become insured under an existing policy when he becomes eligible and later wishes to become insured thereunder, the insurer may require satisfactory evidence of insurability before insurance is granted on such employee.

SEC. 3. Section 10203.4 of the Insurance Code is amended to read:

10203.4. Insurance under any group life insurance policy issued pursuant to Sections 10202, 10202.7, 10202.8, 10203, 10203.1, and 10203.7 may, if 75 percent of the insured employees elect, be extended to insure the dependents, or any class or classes thereof, of each insured employee who so elects, in amounts in accordance with some plan which precludes individual selection and which shall not be in excess of 50 percent of the insurance on the life of such insured employee or one thousand dollars ($1,000), whichever is less; provided, however, in the case of a dependent whose age at death is under six months, the amount shall not be in excess of one hundred dollars ($100).

A dependent shall be the spouse or a child under 21 years of age of the insured employee. The premiums for the insurance on such dependents may be paid by the employer or by the employee or by the employer and the employee jointly.

CHAPTER 994

An act to amend Section 14103.6 of, and to add Section 14123 to, the Welfare and Institutions Code, relating to medical assistance.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 28, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 14103.6 of the Welfare and Institutions Code is amended to read:

14103.6. Prior authorization by consultants retained for that purpose may be required for those services determined by the director. The director, or a carrier acting under regulations adopted by the director, may require that any individual provider must receive prior authorization before providing services when the director or carrier 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.

SEC. 2. Section 14123 is added to the Welfare and Institutions Code, to read:

14123. Participation in the medical assistance program by a provider of service is subject to suspension in order to protect the health of the recipients and the funds appropriated to carry out this chapter.

(a) The director may suspend a provider of service from further participation under the medical assistance program for violation of the provisions of this chapter or any rule or regulation promulgated by the director pursuant to this chapter. Any such suspension may be for an indefinite or specified period of time and with or without conditions or may be imposed with the operation of the suspension stayed and probation granted.

(b) The proceedings for suspension shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. The director may temporarily suspend any provider of service prior to any hearing when in his opinion such action is neces-

sary to protect the public welfare and the interests of the medical assistance program. The director shall notify the provider of service of the temporary suspension and the effective date thereof and at the same time serve such provider with an accusation. The accusation and all proceedings thereafter shall be in accordance with the sections of the Government Code specified in this subdivision. Upon receipt of a notice of defense by the provider, the director shall set the matter for hearing within thirty (30) days after receipt of said notice. The temporary suspension shall remain in effect until such time as the hearing is completed and the director has made a final determination on the merits, provided, however, said temporary suspension shall be deemed vacated if the director fails to make a final determination on the merits within 60 days after the original hearing has been completed.

(c) The suspension by the director of any provider of service shall preclude such provider from submitting claims for payment, either personally or through claims submitted by any clinic, group, corporation or other association to the medical assistance program for any services or supplies he has provided under such program, except for services or supplies provided prior to the suspension. No clinic, group, corporation or other association which is a provider of service shall submit claims for payment to the medical assistance program for any services or supplies provided by a person within said organization who has been suspended or revoked by the director, except for services or supplies provided prior to the suspension.

Where the provisions of this chapter or the regulations promulgated by the director are violated by a provider of service which is a clinic, group, corporation, or other association, the director may suspend such organization and any individual person within said organization who is responsible for such violation.

(d) Notice of the suspension shall be sent by the director to such provider's state licensing, certifying or registering authority along with the evidence upon which the suspension was based.

SEC. 3. The director shall adopt regulations implementing the provisions of Section 14123 within 60 days after the effective date of this act.

SEC. 4. Subdivision (a) of Section 14123 as added by Section 2 of this act does not constitute a change in, but is declaratory of the preexisting law, and shall be construed merely as providing a specific statutory basis for suspension.

CHAPTER 995

An act requiring the State Department of Public Health to conduct a study of school health services.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 28, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Out of federal funds made available for such purpose, the State Department of Public Health, in cooperation with the State Department of Education, shall conduct a study of the quantity and quality of California public school health services and explore the feasibility of reimbursement of school districts for health services permitted or required by law and of reimbursement of local health departments for health services provided by such departments to school districts pursuant to law, and shall report its findings and recommendations to the Legislature no later than the fifth legislative day of the 1970 Regular Session of the Legislature. The Department of Education and school districts shall cooperate with the State Department of Public Health and furnish such information as requested.

SEC. 2. This act shall be operative only if federal funds are received for the conduct of the study of school health services described in Section 1 of this act.

CHAPTER 996

An act to add Section 24053.7 to the Education Code, relating to state colleges.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 28, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 24053.7 is added to the Education Code, to read:

24053.7. Notwithstanding any other provision of law, the chief administrative officer of each state college campus shall be responsible for the propriety of the expenditure, and the integrity of the financial reporting, of the following funds received by the college:

(1) State appropriations
(2) Gifts
(3) Bequests
(4) Trust funds
(5) Grants, loans, or combinations thereof.

The chief administrative officer shall also be responsible for the propriety of all expenditures, and the integrity of the financial reporting, made by auxiliary organizations. The chief administrative officer of a state college is, for the purpose of this section, the president of the college.

CHAPTER 997

An act to amend Section 15517 of the Education Code, relating to school buildings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 28, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 15517 of the Education Code is amended to read:

15517. The governing board of a school district may undertake corrective measures relating to fire and panic safety recommended to the governing board pursuant to Section 13143 of the Health and Safety Code by the State Fire Marshal in connection with any school building under the jurisdiction of the governing board without compliance with the procedures otherwise prescribed by this article.

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 effect the corrective measures recommended by the State Fire Marshal, as provided in the preceding paragraph, 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 shall not exceed 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 required for purposes of this section.

This section shall remain in effect until July 1, 1970.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the urgently needed authority for an increase in maximum school district tax rates afforded by Section 15517 of the Education Code to finance fire and panic safety corrective measures may be continued beyond July 1, 1969, without interruption, it is essential that this act take effect immediately.

CHAPTER 998

An act to amend Section 11453 of, and add Section 11017 to, the Welfare and Institutions Code, relating to public assistance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 28, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 11017 is added to the Welfare and Institutions Code, to read:

11017. In computing and paying assistance under this part, the need and income amounts used shall be based on the nearer dollar. For purposes of this section, an amount ending in fifty cents ($0.50) shall be rounded to the next higher dollar.

SEC. 2. Section 11453 of the Welfare and Institutions Code is amended to read:

11453. The budget established by the department in compliance with Section 11452 shall be revised no oftener than semiannually and each county shall have a minimum of three months between the receipt thereof and the effective date of such budget revision within which to comply with such revision. Such revisions shall be made to the nearer dollar. For the purposes of this section an amount ending in fifty cents ($0.50) shall be rounded to the next higher dollar.

All need and income computations and grant payments made in accordance with the budget shall be made to the nearer dollar. No change shall be made in the grant for increases or decreases of less than two dollars ($2).

SEC. 3. Notwithstanding the provisions of Section 11017, the State Department of Social Welfare, at the next computation of annual cost-of-living adjustments for public assistance payments under Part 3 (commencing with Section 11000) of Division 9 of the Welfare and Institutions Code, shall make all such adjustments to the nearer fifty cents ($0.50) in order that all future grant computations and payments may be made to the nearer dollar. Thereafter subsequent cost-of-living adjustments shall be made to the nearer dollar.

SEC. 4. Section 1 of this act shall become operative with respect to aid to the aged, aid to the blind, aid to the potentially self-supporting blind, and aid to the needy disabled on December 1, 1969.

Section 1 of this act with respect to aid to families with dependent children and Section 2 of this act shall become operative on April 1, 1970, and each county shall comply with the provisions thereof no later than July 1, 1970.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety

within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that Section 1 of this act may become operative in basing the need and income amounts of the adult aid categories on the nearest dollar by December 1, 1969, the administrative preparation of the computations and adjustments must be completed and distributed prior to that date, and thus it is necessary that this act go into immediate effect.

CHAPTER 999

An act to amend Section 7100 of the Health and Safety Code, relating to remains of a deceased person.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

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, by 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.

CHAPTER 1000

An act to authorize the California Disaster Office to dispose of certain state property.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. The California Disaster Office is hereby authorized to survey and release title to the appropriate local jurisdictions of any property purchased with federal, state, or local funds pursuant to subdivisions (f), (i) and (j) of Section 2 of Chapter 8 of the Statutes of 1952 from the unexpended balance of funds appropriated from the General Fund by Item 362.1 of Section 2 of Chapter 1020 of the Statutes of 1951, as reappropriated by Chapter 8 of the Statutes of 1952 and by Chapter 971 of the Statutes of 1953.

CHAPTER 1001

An act to amend Section 509 of the Welfare and Institutions Code, relating to juvenile detention facilities.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

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 known to be 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 Department of 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 known to be under the age of 18 years.

If either the judge of the juvenile court or the department, 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 department 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 department, 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 department or the juvenile court to effectuate the purposes of this section.

CHAPTER 1002

An act to amend Section 12001 of the Penal Code, relating to firearms.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 12001 of the Penal Code is amended to read:

12001. "Pistol," "revolver," and "firearm capable of being concealed upon the person" as used in this chapter shall apply to and include any device, designed to be used as a weapon, from which is expelled a projectile by the force of any explosion, or other form of combustion, and which has a barrel less than 12 inches in length. "Pistol," "revolver," and "firearm capable of being concealed upon the person" as used in Sections 12021, 12072, and 12073 include the frame or receiver of any such weapon.

CHAPTER 1003

An act to amend Section 12200 of the Penal Code, relating to machineguns.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 12200 of the Penal Code is amended to read:

12200. The term "machinegun" as used in this chapter means any weapon which shoots, or is designed to shoot, automatically, more than one shot, without manual reloading, by a single function of the trigger, and includes any frame or receiver which can only be used with such weapon. The term shall also include any combination of parts designed and intended for use in converting a weapon into a machinegun.

CHAPTER 1004

An act to amend Sections 3517 and 3575 of, and to add Section 3520 and Article 4.3 (commencing with Section 3610) to Chapter 1 of Division 2 of the Public Utilities Code, relating to dump truck carriers.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 29, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 3517 of the Public Utilities Code is amended to read:

3517. "Highway contract carrier" means every highway carrier other than (a) a highway common carrier, (b) a radial highway common carrier, (c) a petroleum contract carrier, (d) a petroleum irregular route carrier, (e) a cement contract carrier, (f) a dump truck carrier, or (g) a cement carrier.

SEC. 2. Section 3520 is added to the Public Utilities Code, to read:

3520. "Dump truck carrier" means any person or corporation engaged in the transportation for compensation over any public highway in this state of mining, building, paving and construction materials, except cement or liquids, in bulk in dump truck equipment.

SEC. 3. Section 3575 of the Public Utilities Code is amended to read:

3575. Every highway contract carrier, dump truck carrier, cement contract carrier and every radial highway common carrier who engages subhaulers or leases equipment from employees shall file with the commission a bond, the amount of which shall be determined by the commission but which shall be not less than two thousand dollars ($2,000), executed by a qualified surety insurer, subject to the approval of the commission, which bond shall secure the payment of the claims of subhaulers and employee-lessors of the highway carrier; pro-

vided, however, that the aggregate liability of the surety for all such claims shall, in no event, exceed the sum of such bond.

SEC. 4. Article 4.3 (commencing with Section 3610) is added to Chapter 1, Division 2 of the Public Utilities Code, to read:

Article 4.3. Dump Truck Carriers

3610. The transportation for compensation over any public highway in this state of mining, building, paving and construction materials, except cement or liquids, in bulk in dump truck equipment is declared to be a highly specialized type of truck transportation. This article is enacted for the limited purpose of providing necessary regulations for this specialized type of truck transportation only, and is not to be construed for any purpose as a precedent for the extension of such regulation to any other type of transportation.

3611. No dump truck carrier shall engage in the business of the transportation for compensation over any public highway in this state of mining, building, paving and construction materials, except cement or liquids, in bulk in dump truck equipment unless there is in force a permit issued by the commission authorizing such operation.

3612. (a) Application for permits to operate as a dump truck carrier shall be in writing, verified under oath, and shall be in such form, contain such information, and be accompanied by proof of service upon such interested parties as the commission requires.

(b) Any dump truck carrier engaged in business as such on the effective date of this section shall file with the commission prior to January 1, 1970, an application for a permit to operate as a dump truck carrier; provided, that in lieu of all other fees required by law, the applicant shall pay a fee of twenty-five dollars ($25). The commission shall issue such permit authorizing operation within the area requested in the application without further proceedings.

3613. Except as provided in Section 3612, before a permit to operate as a dump truck carrier is issued the commission shall require the applicant to establish by a preponderance of evidence:

(a) That he is a fit and proper person to receive a permit to operate as a dump truck carrier.

(b) That he has sufficient operating knowledge and financial ability to initiate and continue the proposed operation.

(c) That the privilege sought:

(1) Will not endanger the safety of the public or interfere with the public use of the public highways or impair the condition or maintenance of them, directly or indirectly.

(2) Will not unnecessarily burden the public highways.

(3) Is necessary to serve the public and will not impair the ability of presently permitted dump truck carriers to provide adequate service at the lowest possible reasonable rates.

No permit shall be issued unless it has been shown that applicant meets one of the following residence requirements: If an individual, applicant must have resided in the State of California for not less than 90 days next preceding the filing of the application. If a partnership, the partner having the largest percentage interest in the partnership must have resided in the State of California continuously for not less than 90 days next preceding the filing of the application. If a corporation, applicant must be a domestic corporation or must have qualified to transact business in the State of California as a foreign corporation at the time of filing of the application.

If the commission finds that the applicant has established all of the foregoing, then a permit may be granted upon such limitations, terms, and conditions as the commission prescribes, otherwise it shall refuse to issue the permit requested.

In determining whether or not a permit shall be granted the commission shall accept all evidence relevant to any of the foregoing requiring proof, including, but not limited to, evidence offered by any shipper or receiver of the commodities proposed to be transported by such applicant and by previously authorized dump truck carriers authorized or permitted to offer a service competitive with that proposed by the applicant.

3614. No permit to operate as a dump truck carrier shall be sold, leased, assigned, transferred or otherwise encumbered by the holder thereof until such holder files with the commission a written application requesting authority to sell, lease, assign, transfer or otherwise encumber such operating authority and secures therefrom an order so authorizing. The commission shall authorize the sale, lease, assignment, or transfer of dump truck carrier operating authority to the extent of the scope and the area of the operation of the holder thereof as determined by the commission.

3615. Any operating permit not exercised for a period of one year shall lapse and terminate and shall be revoked by the commission. Nonexercise of a permit shall be presumed from nonpayment of the fees required by Chapter 6 (commencing with Section 5001) of Division 2 for four consecutive quarters

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CHAPTER 1005

An act to repeal Section 1722 of the Health and Safety Code, relating to cancer, and making an appropriation therefor.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 29, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 1722 of the Health and Safety Code is repealed.

SEC. 2. The sum of twenty-six thousand seven hundred sixty-one dollars ($26,761) is hereby appropriated from the General Fund to the Department of Public Health in augmentation of Item 161 of the Budget Act of 1969 for expenditure by the department under Chapter 7 (commencing with Section 1700), Division 2 of the Health and Safety Code.

CHAPTER 1006

An act to repeal Section 4 of Chapter 1711 of the Statutes of 1967, and to repeal Section 425 of the Revenue and Taxation Code, relating to valuation of open-space land.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 4 of Chapter 1711 of the Statutes of 1967 is repealed.

SEC. 2. Section 425 of the Revenue and Taxation Code is repealed.

CHAPTER 1007

An act to add Sections 20042, 31840.2 and 45310.5 to the Government Code, relating to public retirement systems.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 29, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 20042 is added to the Government Code, to read:

20042. The provisions of this part extending rights to a member of this system, or subjecting him to any limitation by reason of his membership in a retirement system established under the County Employees' Retirement Law of 1937, shall apply in like manner and under like conditions to a member of this system by reason of his membership in any retirement system established under Chapter 2 (commencing with Section 45300) of Division 5, Title 4 with respect to which an ordinance complying with Section 45310.5 of this code has been filed with and accepted by the board or by reason of his membership in a retirement system established by or pursuant to the charter of a city or city and county of this state which in the opinion of the board provides a similar modification of rights and benefits because of membership in this system. This section shall apply only to a member whose termination and entry into employment resulting in a change in membership from this system to such other system or from such other system to

this system occurred after such acceptance or determination by the board; provided, however, that provisions relating to computation of final compensation shall apply to any other member if such provision would have applied had the termination and entry into employment occurred after such acceptance or determination by the board.

SEC. 2. Section 31840.2 is added to the Government Code, to read:

31840.2. 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 a member by reason of his membership in any retirement system established under Chapter 2 (commencing with Section 45300) of Division 5 of Title 4 with respect to which an ordinance complying with Section 45310.5 has been filed with and accepted by the board or by reason of his membership in a retirement system established by or pursuant to the charter of a city or city and county of this state which, in the opinion of the board, provides a similar modification of rights and benefits because of membership in a system established under this chapter. This section shall apply only to a member whose termination and subsequent reentry into employment resulting in a change in membership from a system established under this chapter to such other system or from such other system to a system established under this chapter occurred after such acceptance or determination by the board; provided, however, that provisions relating to computation of final compensation shall apply to any other member if such provision would have applied had the termination and entry into employment occurred after such acceptance or determination by the board.

SEC. 3. Section 45310.5 is added to the Government Code, to read:

45310.5. The ordinance may provide for a modification of rights and benefits of a member because of membership in a reciprocal system similar to and under the same conditions as those provided under the County Employees' Retirement Law of 1937 and the Public Employees' Retirement Law because of membership in two or more retirement systems established by or pursuant to such laws. The ordinance shall be filed with each board administering a reciprocal system and shall become effective upon the adoption of a resolution of such administering board accepting the city system as a reciprocal system. Such modification shall apply only to a member whose termination and entry into employment resulting in a change in membership from the city system to a reciprocal system or from a reciprocal system to the city system occurs after such effective date; provided, however, that provisions relating to computation of final compensation shall apply to any other member if such provision would have applied had the termi-

nation and entry into employment occurred after such effective date.

A reciprocal system, for purposes of this section, means a retirement system established under the County Employees' Retirement Law of 1937, the Public Employees' Retirement System, a retirement system of a city whose retirement ordinance contains the provisions authorized by this section, or a retirement system of a city or city and county established by its charter and providing for modifications of rights and benefits similar to and under the same conditions as those provided for under this section.

CHAPTER 1008

An act to amend Section 631 of, and to add Section 631.1 to, the Welfare and Institutions Code, relating to minors.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 631 of the Welfare and Institutions Code is amended to read:

631. Whenever a minor under the age of 18 years is taken into custody by a peace officer or probation officer, except when such minor willfully misrepresents himself as 18 or more years of age, such minor shall be released within 48 hours after having been taken into custody, excluding nonjudicial days, unless within said period of time a petition to declare him a ward or dependent child has been filed pursuant to the provisions of this chapter or a criminal complaint against him has been filed in a court of competent jurisdiction.

SEC. 2. Section 631.1 is added to the Welfare and Institutions Code, to read:

631.1. When a minor under the age of 18 years of age willfully misrepresents himself to be 18 or more years of age when taken into custody by a peace officer or probation officer, and this misrepresentation effects a material delay in investigation which prevents the filing of a petition pursuant to the provisions of this chapter or the filing of a criminal complaint against him in a court of competent jurisdiction within 48 hours, such petition or complaint shall be filed within 48 hours from the time his true age is determined, excluding nonjudicial days. If, in such cases, the petition or complaint is not filed within the time prescribed by this section, the minor shall be immediately released from custody.

CHAPTER 1009

An act to add Section 11483 to the Education Code, relating to junior colleges.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 11483 is added to the Education Code, to read:

11483. For the purposes of computing average daily attendance of junior college pupils in work experience education programs, the following provisions shall apply:

(a) One student contact hour is to be counted for each unit of work experience credit in which a student is enrolled during any census period. In no case shall duplicate student contact hours be counted for classroom study and work experience. The maximum contact hours counted for a student shall not exceed the maximum number of work experience units for which the student may be granted credit under the rules and regulations of the Board of Governors of the California Community Colleges.

(b) "Immediate supervision" of off-campus work stations shall be defined as student participation in on-the-job training as outlined under a training agreement, coordinated by the school district under a state-approved plan, wherein the employer and the certificated community college coordinator share responsibility for on-the-job supervision.

CHAPTER 1010

An act to amend Section 4504 of the Penal Code, relating to offenses by prisoners.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 4504 of the Penal Code is amended to read:

4504. For purposes of this chapter:

(a) A person is deemed confined in a "state prison" if he is confined in any of the prisons and institutions specified in Section 5003 by order made pursuant to law, including, but not limited to, commitments to the Department of Corrections or the Department of the Youth Authority, regardless of the purpose of such confinement and regardless of the validity of the order directing such confinement, until a judgment of a competent court setting aside such order becomes final.

(b) A person is deemed "confined in" a prison although, at the time of the offense, he is temporarily outside its walls or bounds for the purpose of serving on a work detail or for the purpose of confinement in a local correctional institution pending trial or for any other purpose for which a prisoner may be allowed temporarily outside the walls or bounds of the prison, but a prisoner who has been released on parole is not deemed "confined in" a prison for purposes of this chapter.

CHAPTER 1011

An act to amend Section 515 of the Welfare and Institutions Code, relating to minors.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 515 of the Welfare and Institutions Code is amended to read:

515. This chapter shall not apply:

(a) To any person who violates any law of this state defining a crime, and is at the time of such violation under the age of 18 years, if such person thereafter flees from this state. Any such person may be proceeded against in the manner otherwise provided by law for proceeding against persons accused of crime. Upon the return of such person to this state by extradition or otherwise, proceedings shall be commenced in the manner provided for in this chapter.

(b) To any person who violates any law of another state defining a crime, and is at the time of such violation under the age of 18 years, if such person thereafter flees from that state into this state. Any such person may be proceeded against as an adult in the manner provided in Chapter 4 (commencing with Section 1547) of Title 12 of Part 2 of the Penal Code. The magistrate shall, for purposes of detention, detain such person in juvenile hall if space is available. If no space is available in juvenile hall, the magistrate may detain such person in the county jail.

SEC. 2. The changes which this act makes in Section 515 of the Welfare and Institutions Code shall remain in effect until the 61st day after final adjournment of the 1970 Regular Session of the Legislature, and, thereafter, shall be of no force or effect. On and after such date, Section 515 of the Welfare and Institutions Code shall read as it did immediately prior to the effective date of this act.

CHAPTER 1012

An act to amend Section 12027 of the Penal Code, relating to firearms.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. 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, 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.

(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 organizations 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.

CHAPTER 1013

An act to add Sections 13073 and 13074 to the Government Code, relating to demographic services.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 13073 is added to the Government Code, to read:

13073. The department may render advisory, investigational, or other similar service of relevance to the establishment of population and its composition to any city, county, district, association of cities, counties, districts or any other political subdivision or the federal government upon such terms and conditions as may be satisfactory to the director, provided that the state shall be reimbursed for all costs incurred in performing services authorized by this section.

SEC. 2. Section 13074 is added to the Government Code, to read:

13074. Notwithstanding any other provision of law, any revision, subsequent to the first revision, of the annual provisional county population estimates, made by the Department of Finance, shall not be the basis for a change in the amount of state funds received by local agencies or funds owed or paid by local agencies to the state.

CHAPTER 1014

An act to amend Section 6401 of the Public Resources Code, relating to state lands.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 6401 of the Public Resources Code is amended to read:

6401. (a) All oil, gas, oil shale, coal, phosphate, sodium, gold, silver, and all other mineral deposits in public lands belonging to the state, or which may become the property of the

state, are reserved to the state. Such deposits are reserved from sale except upon a rental and royalty basis and except as otherwise provided by law. A purchaser of any public lands belonging to the state, or which may become property of the state, shall acquire no right, title, or interest in or to such deposits. The right of such purchaser shall be subject to the reservation of all oil, gas, oil shale, coal, phosphate, sodium, gold, silver, and all other mineral deposits, and to the conditions and limitations prescribed by law providing for the state and persons authorized by it to prospect for, mine, and remove such deposits, and to occupy and use so much of the surface of the land as may be required for all purposes reasonably extending to the mining and removal of such deposits therefrom; provided, that when any person, authorized by the state to prospect for said reserved deposits to the extent provided for in this division, enters upon such land, such person so entering shall be liable to and shall compensate such purchaser of land for all damage and injury to the permanent improvements and the crops on such lands by reason of such prospecting; provided, further, that persons who have acquired the right to mine and remove such deposits may reenter, occupy and use so much of the surface of the land as may be required for all purposes reasonably extending to the mining and removal of such deposits therefrom; first, upon securing the written consent or waiver of the purchaser of such public land; second, upon payment of the damages to crops or other tangible improvements to the owner thereof, where agreement may be had as to the amount thereof; or third, in lieu of either of the foregoing provisions, upon the execution of a good and sufficient bond or undertaking to the State of California for the use and benefit of the purchaser of such land, to secure the payment of such damages to the crops or tangible improvements of the purchaser of said land as may be determined and fixed in an action brought upon the bond or undertaking in a court of competent jurisdiction against the principal and sureties thereon, such bond or undertaking to be in the form and in accordance with the rules and regulations prescribed by the commission; and provided, further, that the provisions of this section shall not apply to any compromise agreement entered into under this division, nor to any exchange of real property where the state receives the mineral rights in the parcel or parcels being acquired by the state.

(b) Notwithstanding subdivision (a), upon a finding by the commission that there are no known deposits of commercially valuable minerals in and above a plane located 500 feet below the surface of any lands sold or exchanged or to be sold or exchanged by the state to another, including land sold pursuant to Section 6404, and wherein any or all of the mineral deposits have been or are required by law to be reserved to the state, the commission may by quitclaim, patent, agreement, or other appropriate instrument, modify the accompanying

rights of the state to the use of the surface of such lands, including any right to enter such lands to a depth of 500 feet below the surface of such lands, as will permit the orderly use and development of all such sold or exchanged lands. Any such finding by the commission and any such modification of accompanying rights of the state as provided in this subdivision shall be conclusive in favor of any purchaser or encumbrancer of such sold or exchanged lands acting in good faith and for value. Any modification authorized by this subdivision which affects school land Sections 16 and 36 granted to the state by and upon the terms and conditions set forth in Section 870 of Title 43 of the United States Code, shall not be made in a manner inconsistent with the terms and conditions set forth in such federal law so long as such terms and conditions are effective. Nothing in this subdivision shall be construed to authorize the relinquishment of any mineral rights in such lands owned or reserved to the state.

CHAPTER 1015

An act to add Section 13520.2 to the Education Code, relating to certificated employees.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 13520.2 is added to the Education Code, to read:

13520.2. Whenever a salary schedule increasing the salaries of its certificated employees is adopted by a school district to be effective at the commencement of the second semester of a school year:

(a) The compensation of such employees shall not exceed one-half of the annual compensation for their positions under the former salary schedule for services during the first semester.

(b) The compensation of such employees shall not be less than one-half of the annual compensation for their positions under the newly adopted salary schedule for services during the second semester.

CHAPTER 1016

An act to amend Sections 13291 and 13293 of the Government Code, relating to financial reports of state agencies.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 13291 of the Government Code is amended to read:

13291. The department may require financial and statistical reports, duly verified and covering the period of each fiscal year, from all agencies of the state included within the provisions of Section 14626.

Such reports shall be made upon blank forms prescribed and furnished by the department, and mailed to each such agency not less than 60 days before the time the reports are required to be filed with the department.

SEC. 2. Section 13293 of the Government Code is amended to read:

13293. The department may examine all records, files, documents, accounts and all financial affairs of every agency mentioned in Section 14626. It may enter any public office or institution in this state and examine any records, files, books, papers or documents contained therein or belonging thereto for the purpose of making such examination, and shall have access, in the presence of the custodian or his deputy, to the cash drawers and cash in the custody of such agency.

During business hours the department may examine the public accounts in any depository which has public funds in its custody.

CHAPTER 1017

An act to amend Section 5474.30 of the Health and Safety Code, relating to food crop labor sanitation.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 5474.30 of the Health and Safety Code is amended to read:

5474.30. The primary responsibility for enforcement of the provisions of this chapter shall be vested in the local health officers; county agricultural commissioners may participate in such enforcement. The State Departments of Public Health, Industrial Relations, and Agriculture may also enforce the provisions of this chapter.

Any agency enforcing the provisions of this chapter shall report any violation to all offices of the Division of Farm Labor Service of the Department of Employment located in the county where the violation occurs. Such report shall identify the employer responsible for the violation, the nature of the violation, and the location of the food crop growing and harvesting operation where the violation occurs. The Division of

Farm Labor Service shall not refer persons for employment to any employer or food crop growing and harvesting operation identified in such report until the agency reporting the violation certifies that the violation has been corrected.

CHAPTER 1018

An act to amend Section 23756 of the Education Code, relating to state college tuition.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 23756 of the Education Code is amended to read:

23756. "A resident student" means any person who has been a bona fide resident of the state for more than one year immediately preceding the residence determination date.

The residence of each student shall be determined in accordance with the rules for determining residence prescribed by Sections 243 and 244 of the Government Code. The residence of an unmarried minor who has a parent living cannot be changed by either his own act or that of his guardian, except that:

(a) Where immediately prior to enrolling in any California institution of higher learning the minor child has lived with and been in the continuous direct care and control of any person or persons other than a parent for a period of not less than two years, the residence of the minor child is the residence of the person, or persons having such care and control after the expiration of that two years. As used in this subdivision, "California institution of higher learning" means any public or private university, college, or junior college in the state.

(b) Any person who qualifies for residence status under subdivision (a) of this section or under Sections 243 and 244 of the Government Code shall not lose such residence status by virtue of his marriage to a nonresident who lives in California nor shall such person be required to reestablish residency upon reaching his or her majority.

(c) Any minor child, a citizen of the United States, or any alien, who is a minor child, who has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of the laws of the United States, who for a period of more than one year immediately preceding the residence determination date has lived with his mother, who is living apart from his father, and has been for a period of more than one year immediately preceding the residence determination date present in the state

with the intention of making her permanent home therein, is a resident student.

(d) Any person whose residence is derived from a parent and who loses California residence by reason of a change of residence by such parent, shall be considered a resident student for tuition purposes for a period of one year following such change of residence by his parent, provided that such parent was a bona fide resident of California for at least one year immediately preceding such change of residence from California.

(e) Any minor child who has lived continuously in the state for more than 10 years immediately preceding the residence determination date shall be deemed a "resident student" notwithstanding the place of abode or residence of either living parent or guardian of the minor child.

CHAPTER 1019

An act to amend Section 15457 of the Education Code, relating to school building plans.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 15457 of the Education Code is amended to read:

15457. The application shall be accompanied by a filing fee in amounts as determined by the Department of General Services based on the estimated cost, and such fee shall not exceed one-half of 1 percent of the estimated cost.

The minimum fee in any case shall be fifty dollars ($50). If the actual cost exceeds the estimated cost by more than 10 percent, a further fee shall be paid to the Department of General Services, based on the above schedule and computed on the amount by which the actual cost exceeds the amount of the estimated cost.

CHAPTER 1020

An act to add Sections 402.5, 1613, and 1815.4 to the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 402.5 is added to the Revenue and Taxation Code, to read:

402.5. When valuing property by comparison with sales of other properties, in order to be considered comparable, the sales shall be sufficiently near in time to the lien date, and the properties sold shall be located sufficiently near the property being valued, and shall be sufficiently alike in respect to character, size, situation, usability, zoning or other legal restriction as to use unless rebutted pursuant to Section 402.1, to make it clear that the properties sold and the properties being valued are comparable in value and that the cash equivalent price realized for the properties sold may fairly be considered as shedding light on the value of the property being valued.

SEC. 2. Section 1613 is added to the Revenue and Taxation Code, to read:

1613. When valuing property, a county board of equalization or county assessment appeals board shall follow the provisions set forth in Section 402.5.

SEC. 3. Section 1815.4 is added to the Revenue and Taxation Code, to read:

1815.4. When valuing property, the board shall follow the provisions set forth in Section 402.5.

CHAPTER 1021

An act to amend Sections 7326 and 8101 of the Welfare and Institutions Code, relating to mental patients.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 7326 of the Welfare and Institutions Code is amended to read:

7326. Any person who willfully assists any judicially committed or remanded patient of a state hospital to escape, to attempt to escape therefrom, or to resist being returned from a leave of absence is guilty of a misdemeanor.

SEC. 2. Section 8101 of the Welfare and Institutions Code is amended to read:

8101. Any person who shall knowingly supply, sell, give, or allow possession or control of a firearm to any person who is a mental patient in any public or private hospital or institution or on leave of absence from any such hospital or institution shall be punishable by imprisonment in a county jail for a period of not exceeding one year, by a fine of not exceeding five hundred dollars ($500), or by both such fine and imprisonment.

CHAPTER 1022

An act to amend Section 20021.5 of the Education Code, relating to junior college construction.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 29, 1969]

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 81st Congress, 2nd Session.

CHAPTER 1023

An act to amend Section 1768 of the Welfare and Institutions Code, relating to the Youth Authority.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 29, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 1768 of the Welfare and Institutions Code is amended to read:

1768. As a means of correcting the socially harmful tendencies of a person committed to the authority, the director may

(a) Require participation by him in vocational, physical, educational and corrective training and activities;

(b) Require such conduct and modes of life as seem best adapted to fit him for return to full liberty without danger to the public welfare;

(c) Make use of other methods of treatment conducive to the correction of the person and to the prevention of future public offenses by him;

(d) Provide useful work projects or work assignments for which such persons may qualify and be paid wages for such work from any moneys made available to the director for this purpose.

CHAPTER 1024

An act to amend Section 11011 of the Government Code, relating to an authorization to the Director of General Services to dispose of property belonging to the state.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. The Director of General Services, with the approval of the State Public Works Board, is hereby authorized to sell, exchange, or lease for current market value 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 118 acres in the County of Santa Clara, bordered on the North by State Highway 237 and on the East by Coyote Creek, being the northerly portion of Agnews State Hospital Grounds.

Parcel 2. Approximately 200 acres in the County of San Luis Obispo, City of Atascadero, bordered on the East by the Southern Pacific Railroad tracks, being the northerly portion of Atascadero State Hospital Grounds.

Parcel 3. Approximately 200 acres in the County of San Luis Obispo, City of Atascadero, bordered on the North by Halcon Road, on the East by the Southern Pacific Railroad tracks, being the southerly portion of Atascadero State Hospital Grounds.

Parcel 3.5. Approximately 30 acres, more or less, westerly of the County Road (Halcon Road) and northerly of Viejo Camino (Old Highway 101), being a portion of Atascadero State Hospital in San Luis Obispo County.

The Director of General Services, with the consent of the Department of Mental Hygiene, may grant an easement for railroad purposes over land at the Atascadero State Hospital in connection with the conveyance of said property.

Parcel 4. Approximately 715 acres in Rancho Guadalasca, County of Ventura, with frontage on Lewis Road, being the northeasterly portion of Camarillo State Hospital Grounds.

Parcel 5. Approximately 50 acres in the City and County of San Bernardino, located at the Northeast corner of Pacific and Orange Avenues, being a portion of Patton State Hospital Grounds.

Parcel 6. Approximately 29.8 acres in the City and County of San Bernardino, located at the Southeast corner of Pacific and Orange Avenues, being a portion of Patton State Hospital Grounds.

Parcel 7. Approximately 40 acres in the City and County of San Bernardino, located at the Northwest corner of Pacific

and Central Avenues, being a portion of Patton State Hospital Grounds.

Parcel 8. Approximately 2.2 acres in the County of Placer, City of Auburn, located approximately 1,800 feet West of Highway 49 with frontage on Atwood Road, being a portion of DeWitt State Hospital Grounds.

Parcel 9. The Woodland Highway Patrol Headquarters, located in the County of Yolo, City of Woodland, 1017 Main Street, containing approximately 10,000 square feet of land.

Parcel 10. Approximately 4,500 square feet in the City and County of Santa Barbara, located at the Northwest corner of Carrillo and Garden Streets, being a portion of the former General Services Office Building Site.

Parcel 11. Approximately 13,000 square feet in the City and County of Santa Barbara, located at the Southwest corner of Carrillo and Garden Streets, being a portion of the former General Services Office Building Site.

Parcel 12. Approximately 13.02 acres in the County of Santa Clara with frontage along Mt. Hamilton Road, being a portion of the Smith Creek Forest Fire Station Property.

Parcel 13. Approximately 1.12 acres in the County of Santa Clara, City of Almaden with frontage on Almaden Road, being the Almaden Forest Fire Station.

SEC. 2. The Director of General Services is hereby authorized to transfer control and possession of approximately 32 acres of property at Pacific State Hospital situated in the County of Los Angeles, State of California, or to grant easements or rights-of-way over any portion of said 32 acres to the Department of Public Works, Division of Highways, as required for a segment of the Orange Freeway, LA-57, upon such terms and conditions and with such reservations and exceptions as in the opinion of the Director of General Services may be for the best interest of the state.

SEC. 3. Notice of every public auction or bid opening shall be posted on the property to be sold and shall be published in a newspaper of general circulation published in the county in which the real property to be sold is situated. The Director of General Services is authorized and directed to take such additional actions to further publicize the public auction or bid opening as in his opinion are appropriate considering the value of or potential public interest in the real property to be sold.

SEC. 4. 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 9 shall be paid into the Motor Vehicle Fund.

SEC. 5. Oil, gas and other mineral rights underlying Parcels 1 through 8 below a depth of 500 feet shall not be sold. Oil, gas and other mineral rights underlying Parcels 9 through 13 may be sold if in the opinion of the Director of General Services the value of such rights is nominal. If said rights

underlying Parcels 9 through 13 below a depth of 500 feet have value, they shall not be sold.

SEC. 5.5. To assure development compatible with the operations of the Atascadero State Hospital, prior to any conveyance of Parcel 3.5, the Director of General Services may confer with the Department of Mental Hygiene as to the planned use and development of said property.

SEC. 6. The authorization granted to the Director of Finance by Chapter 1940 of the Statutes of 1959 to dispose of Parcel 7 of said chapter is hereby repealed.

SEC. 7. The authorization granted to the Director of Finance by Chapter 1851 of the Statutes of 1961 to dispose of Parcel 11 of said chapter is hereby repealed.

SEC. 8. The authorization granted to the Director of General Services by Chapter 1526 of the Statutes of 1965 to dispose of Parcel 6 of said chapter is hereby repealed.

SEC. 9. The Director of General Services is hereby authorized to quitclaim to the City of Hollister, County of San Benito, State of California, at no cost to the city, that property conveyed to the state by grant deed recorded in Book 228, pages 471 and following, Official Records of San Benito County, containing 2.183 acres, more or less.

SEC. 9.5. The Director of General Services is authorized to exchange, with the concurrence of the Adjutant General, the current armory site and facilities located in the City of Salinas, with the City of Salinas for equal facilities. The current armory site and facilities contains approximately 40,000 square feet located in the block bordered by Gabilan Street on the north, Howard Street on the south, Salinas Street on the east and Lincoln Avenue on the west, in the City of Salinas.

SEC. 10. Section 11011 of the Government Code is amended to read:

11011. On or before December 31st of each year each state agency shall make a review of all proprietary state lands (other than tax-deeded land and land held for highway purposes and lands under the jurisdiction of the State Lands Commission and land which has escheated to the state or which has been distributed to the state by court decree in estates of deceased persons) over which it has jurisdiction to determine what, if any, land is in excess of its foreseeable needs and report thereon in writing to the Department of General Services.

Jurisdiction of all land reported as excess shall be transferred to the Department of General Services, when requested by the director thereof, for sale or disposition under this section or as may be otherwise authorized by law.

The Department of General Services shall report to the Legislature at each of its general sessions, the land declared excess and request authorization to dispose of the land by sale or otherwise.

Whenever any land is reported as excess pursuant to this section, the Department of General Services shall determine whether or not the use of the land is needed by any other state agency. If the Department of General Services determines that any such land is needed by any other state agency it may transfer the jurisdiction of such land to such other state agency upon such terms and conditions as it may deem to be for the best interests of the state.

When authority is granted for the sale or other disposition of lands declared excess, and the Department of General Services has determined that the use of the land is not needed by any other state agency, the Department of General Services shall sell the land or otherwise dispose of the same pursuant to such authorization, upon such terms and conditions and subject to such reservations and exceptions as the Department of General Services may deem to be for the best interests of the state. The Department of General Services shall report to the Legislature at each regular session, with respect to each parcel of land authorized to be sold under this section, giving the following information:

(a) A description or other identification of the property

(b) The date of authorization

(c) With regard to each parcel sold after the next preceding report, the date of sale and price received, or the value of the land received in exchange, or

(d) The present status of the property, if not sold or otherwise disposed of at the time of the report.

Money received from the sale of any parcel of land pursuant to this section shall be paid into the General Fund unless otherwise specified by law.

Any rentals or other revenues received by the department from real properties, the jurisdiction of which has been transferred to the Department of General Services under the provisions of this section, shall be deposited in the General Fund in the account established by Section 15863 of this code. Any expenditures required to maintain, repair, care for, and sell such real property shall be paid from the appropriation made by Section 15863.

Nothing contained in this section shall be construed to prohibit the sale, letting or other disposition of any state lands pursuant to any law now or hereafter enacted authorizing such sale, letting or disposition.

SEC. 11. Section 10 of this act shall become operative only if Assembly Bill No. 993 is enacted at the 1969 Regular Session of the Legislature.

CHAPTER 1025

An act to amend Sections 1166, 1178, 1194, and 1197 of the Streets and Highways Code, relating to county road divisions.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 1166 of the Streets and Highways Code is amended to read:

1166. Following the hearing the board shall decide if the proposed division is to be formed. If the board decides to form the division, it may make such changes in the boundaries as it finds proper and shall define and establish such boundaries. Such changes shall not include any territory outside of the boundaries described in the petition unless the board has given at least 15 days' notice of its intention to include such territory in such division. Such notice shall be given by publication, in the the manner authorized by Section 1196, and by leaving a copy of the notice at each place of abode in such outside territory.

SEC. 2. Section 1178 of the Streets and Highways Code is amended to read:

1178. If the majority of the votes cast is for the tax, the board shall annually, at the time of levying the county taxes, levy a tax upon all the taxable property in the division sufficient to raise the amount voted for the current fiscal year, sufficient to meet estimated costs of maintenance for the current fiscal year, and sufficient to reimburse the county for any expenses recoverable under Section 1197. The board shall ascertain the rate of taxation by deducting 15 percent for anticipated delinquencies from the aggregate assessed value of the property in the division as it appears on that last equalized assessment roll of the county and then dividing the sum voted by the remainder of such aggregate assessed value.

SEC. 3. Section 1194 of the Streets and Highways Code is amended to read:

1194. On payment of all debts of the division or on the failure of the division within two years after formation to vote a special tax or bonds for any proposed work or for the purpose of maintenance, the division shall cease to exist.

SEC. 4. Section 1197 of the Streets and Highways Code is amended to read:

1197. The expenses of organizing a division, conducting any necessary election, and providing engineering services, pursuant to the provisions of this article, shall be a county charge payable out of the county general fund. If a division is formed and a tax levy authorized, such expenses shall be recovered by the county from the funds of the division.

CHAPTER 1026

An act to add an article heading immediately preceding Section 185 of, to add Article 3 (commencing with Section 200) to Chapter 1.5 of Division 2 of, and to add Article 1.5 (commencing with Section 1010) to Chapter 3 of Division 4 of, the Education Code, relating to public junior colleges.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. An article heading is added immediately preceding Section 185 of the Education Code, to read:

Article 1. General

SEC. 2. Article 3 (commencing with Section 200) is added to Chapter 1.5 of Division 2 of the Education Code, to read:

Article 3. Powers, Duties, and Functions of the Board of Governors of the California Community Colleges

200. By enacting this article the Legislature declares its intent to more specifically delineate the powers, duties, and functions of the Board of Governors of the California Community Colleges and the powers, duties, and functions of the local district governing boards operating junior colleges. This article shall be construed as an expression of the policy of the Legislature with regard to the functions of the above-mentioned boards, but shall not be construed as an enactment of specific legal provisions. Nothing contained in this article shall supplant existing law. Upon passage of this article by the Legislature, however, the Board of Governors of the California Community Colleges may take whatever steps are necessary to implement the policies contained in this article.

200.1. As used in this article, "board of governors" means the Board of Governors of the California Community Colleges. "District governing board" means the governing board of a junior college district or the governing board of a district maintaining a junior college. "District" means a junior college district or a district maintaining a junior college.

200.2. The board of governors shall adopt rules and regulations not inconsistent with the laws of this state for the government and supervision of the public junior colleges.

200.3. The board of governors shall exercise general supervision over the formation of new junior college districts and the reorganization of existing junior college districts, including the approval or disapproval of plans therefor, and shall provide advisory service in connection with such formations

or reorganizations. The board of governors shall encourage county committees on school district organization to include all territory of the state within public junior college districts.

200.4. The board of governors shall coordinate and encourage interdistrict, regional, and statewide development of public junior college programs and facilities.

200.5. The board of governors shall approve the offering of out-of-district classes by public junior college districts.

200.6. The board of governors shall review and approve academic master plans and master plans for facilities for each junior college district. These shall be submitted to the board of governors by the local governing board of each junior college district.

200.7. The board of governors shall establish minimum standards to govern student academic standards relating to graduation requirements and probation, dismissal, and readmission policies.

200.8. The board of governors shall review and approve all educational programs offered in the junior colleges. For the purposes of this section, "educational program" is a series of courses leading to a degree, a certificate, a diploma, or transfer to another institution of higher education. Individual courses offered under educational programs approved by the board of governors shall be approved by the district governing board and shall not be submitted to the board of governors for approval.

200.9. The board of governors shall establish criteria and standards for graded and nongraded classes in junior colleges.

200.10. The board of governors shall approve, upon the submission of district governing boards, individual classes for adults that are eligible for state apportionments and are not part of an educational program as defined in Section 200.8.

200.11. The board of governors shall establish minimum standards for the employment of academic and administrative staff in junior colleges.

200.12. The board of governors shall conduct necessary statewide research on junior colleges and shall provide appropriate information services, including, but not limited to, definitions for the purpose of uniform reporting, collection, compilation and analysis of data for effective planning and coordination, and dissemination of information.

200.13. The board of governors shall facilitate articulation with other segments of higher education and with secondary education.

200.14. The board of governors shall represent the junior colleges before state and national legislative and executive agencies.

200.15. The board of governors shall administer state support programs, both operational and capital outlay, and those federally supported programs for which the board of governors has responsibility pursuant to state or federal law.

200.16. The board of governors shall establish a uniform system of budgeting and accounting for districts.

200.17. The board of governors shall establish out-of-state tuition fees and advise district governing boards on procedures governing the admission of out-of-state students and foreign students.

200.18. The board of governors shall establish procedures governing interdistrict attendance agreements and restrictions on attendance between districts.

200.19. The board of governors shall establish space and utilization standards for facility planning in order to determine eligiblity for state funds for construction purposes.

200.20. The board of governors shall establish recommended procedures regarding campus site selection.

200.21. The board of governors shall plan for, and advise on, financial assistance and scholarship programs for junior college students.

200.22. The board of governors shall establish minimum procedures to be used by district governing boards to insure to faculty and students the opportunity to express their opinions at the campus level and to insure that these opinions are given every reasonable consideration.

SEC. 3. Article 1.5 (commencing with Section 1010) is added to Chapter 3 of Division 4 of the Education Code, to read:

Article 1.5. Powers, Duties, and Functions of School District Governing Boards Operating Junior Colleges

1010. By enacting this article the Legislature declares its intent to more specifically delineate the powers, duties, and functions of the school district governing boards operating junior colleges and the powers, duties, and functions of the Board of Governors of the California Community Colleges. This article shall be construed as an expression of the policy of the Legislature with regard to the functions of the above mentioned boards, but shall not be construed as an enactment of specific legal provisions. Nothing contained in this article shall supplant existing law. Upon passage of this article by the Legislature, however, the Board of Governors of the California Community Colleges is hereby directed to take whatever steps are necessary to implement the policies contained in this article.

1010.1. As used in this article, "board of governors" means the Board of Governors of the California Community Colleges. "District governing board" means the governing board of a junior college district or the governing board of a district maintaining a junior college. "District" means a junior college district or a district maintaining a junior college.

1010.2. The district governing board shall establish rules and regulations not inconsistent with the regulations of the board of governors and the laws of this state for the government and operation of one or more junior colleges in the district and delegate appropriate authority to officers, employees or committees of the district, the college, or the governing board.

1010.3. The district governing board shall:

(a) Establish policies for, and approve, current and long-range educational plans and programs and promote orderly growth and development of the junior colleges within the district.

(b) Establish policies for, and approve, academic master plans and long-range master plans for facilities. The district governing board shall submit such master plans to the board of governors for review and approval.

1010.4. The district governing board shall:

(a) Establish policies for, and approve, the total educational program of the junior college or colleges in the district.

(b) Establish policies for, and approve, all educational programs and to submit such programs to the board of governors for approval. For purposes of this subsection, "educational program" is defined as a series of courses leading to a degree, a certificate, a diploma, or transfer to another institution of higher education.

(c) Establish policies for, and approve, individual courses without referral to the board of governors.

(d) Approve all classes for adults and shall submit such classes as are eligible for state apportionments to the board of governors for approval.

(e) Approve and provide such classes, programs and facilities under the provisions of the Community Service Act, the Civic Center Act, and the Recreation Act as deemed appropriate.

(f) Establish policies for, and approve, all other programs and services of the junior college.

(g) Establish policies for, and approve, procedures for the adoption of instructional materials.

1010.5. The district governing board shall determine which holidays it will observe and on what days it will observe them within the framework of providing the necessary number of days of instruction to qualify for state apportionments.

1010.6. The district governing board shall establish academic standards, probation and dismissal and readmission policies, and graduation requirements not inconsistent with the minimum standards adopted by the board of governors.

1010.7. The district governing board shall determine and control the district's operational and capital outlay budgets and shall present the budgets to county authorities for the purposes of establishing the district tax rates. The district governing board shall determine the need for elections for

override tax levies and bond measures and to request that such elections are called.

1010.8. The district governing board shall manage and control district property. The district governing board may contract for the procurement of such goods and services as authorized by law.

1010.9. The district governing board may receive and administer gifts, grants, and scholarships.

1010.10. The district governing board may establish such student fees as it is authorized to establish by law.

1010.11. The district governing board shall employ and assign all personnel not inconsistent with the minimum standards adopted by the board of governors. The district governing board shall establish employment practices, salaries, and benefits for all employees not inconsistent with the laws of this state.

1010.12. The district governing board shall provide such auxiliary services as deemed necessary to achieve the purposes of the junior college.

1010.13. The district governing board shall establish rules and regulations governing student conduct. The district governing board shall establish procedures not inconsistent with those established by the board of governors to insure faculty and students the opportunity to express their opinions at the campus level.

1010.14. The district governing board is authorized to apply directly to federal agencies or state agencies operating federal programs in order to obtain federal funds in accordance with general policies established by the board of governors.

CHAPTER 1027

An act to amend Section 15 of the San Gorgonio Pass Water Agency Law (Chapter 1435 of the Statutes of 1961), relating to the San Gorgonio Pass Water Agency.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 15 of the San Gorgonio Pass Water Agency Law (Chapter 1435 of the Statutes of 1961) is amended to read:

Sec. 15. The agency incorporated as herein provided, shall have the power:

1. To have perpetual succession;

2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction;

3. To adopt a seal and alter it at pleasure;

4. To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the agency;

5. To acquire, or contract to acquire, waterworks or a waterworks system, waters, water rights, lands, rights and privileges and construct, maintain and operate conduits, pipelines, reservoirs, works, machinery and other property useful or necessary to store, convey, supply or otherwise make use of water for a waterworks plant or system for the benefit of the agency, and to complete, extend, add to, repair or otherwise improve any waterworks or waterworks system acquired by it as herein authorized.

6. To construct, maintain, improve and operate public recreational facilities appurtenant to any water reservoir operated or contracted to be operated by the agency, and to provide by ordinance regulations binding upon all persons to govern the use of such facilities including regulations imposing reasonable charges for the use thereof. Violation of any such regulation shall be a misdemeanor.

7. To lease of and from any person, firm or public or private corporation, or public agency, with the privilege of purchasing or otherwise, all or any part of water storage, transportation or distribution facilities, existing waterworks or a waterworks system, and to carry on and conduct waterworks or a waterworks system; also to sell water under the control of the agency to cities, and to other public corporations and public agencies within the agency, and to the inhabitants of such cities and of other territory within the agency, and to persons, corporations, and other private agencies within the agency for use within said agency without any preference; also to sell water under the control of the agency to any city, or any company or public agency serving a city, which city is located wholly or partially within the agency, for distribution only within such city; and it may, whenever the board shall find that there is a surplus of water above that which may be required by such consumers within said agency, sell or otherwise dispose of such surplus water to any persons, firms, public or private corporations or public agencies or other consumers,

8. To supply and deliver agency water to publicly owned and operated golf courses and other publicly owned and operated recreational facilities and to public schools, school districts and public school properties, and to fix and establish special rates, terms and conditions for the use and sale of water for each of these purposes; provided, however, that this provision shall not be construed to indicate legislative intent either for or against the existence of any power of the agency to furnish water to other persons, firms or corporations at just and reasonable rates;

9. To have and exercise the right of eminent domain and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to

supply the agency or any portion thereof with water, whether such property be already devoted to the same use or otherwise, and may condemn any existing waterworks or system, or any portion thereof, or any waters or water rights owned by any person, firm or private corporation, provided that the use to which such property is to be devoted by the agency must be pleaded and proven by the agency to be a more necessary public use than that to which it is then appropriated, as a condition to the exercise of such right of eminent domain. In proceedings relative to the exercise of such right, the agency shall have all of the rights, powers and privileges of a city; provided, the agency in exercising such power, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be removed to a new location. In no event shall the agency have or exercise the power of eminent domain with respect to property situated outside the boundaries of the agency, unless it first obtains the consent of the board of supervisors of the county in which such property is located to such exercise of said power.

10. To issue bonds, borrow money and incur indebtedness as authorized by law or in this act provided; also to refund (by the issuance of the same obligations following the same procedure) or retire any indebtedness or lien that may exist against the agency or property thereof; also to issue warrants to pay the formation expenses of the agency, which warrants may bear interest at a rate not exceeding 6 percent per annum from the date of issue until funds are available to pay the warrants, and which formation expenses may include fees of attorneys and others employed to conduct the formation proceedings.

11. To issue negotiable promissory notes bearing interest at a rate not exceeding 6 percent per annum; provided, however, that said notes shall be general obligations of the agency payable from revenues and taxes in the same manner as bonds of said agency; and provided further that the maturity shall not be later than five years from the date thereof and that the total aggregate amount of such notes outstanding at any one time shall not exceed the lesser of either one million five hundred thousand dollars ($1,500,000) or 2 percent of the assessed valuation of the taxable property in the agency, or, if said assessed valuation is not obtainable, 2 percent of the county auditor's estimate of the assessed valuation of the taxable property in the agency evidenced by his certificate;

12. To cause taxes to be levied, in the manner hereinafter provided, for the purpose of paying any obligation of the agency, including its formation expenses and any warrants issued therefor;

13. To restrict the use of agency water during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of agency water or the use of agency water during such periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the agency; to prohibit the use of such water during such periods for specific uses which the agency may from time to time find to be nonessential;

14. To prescribe and define by ordinance, the restrictions, prohibitions and exclusions referred to in subdivision 13 hereof. Every ordinance relating to the matters referred to in this subdivision shall be in full force and effect forthwith upon adoption, but shall be published pursuant to Section 6061 of the Government Code in full in a newspaper of general circulation, printed, published and circulated in the agency within 10 days after adoption, or if there be no such newspaper it shall be posted within said time in three public places within the agency;

15. To make contracts, to employ labor, and do all acts necessary for the full exercise of the foregoing powers;

16. In case of condemnation proceedings the board shall proceed in the name of the agency;

17. To provide by ordinance of its board of directors for the pensioning of officers or employees and the creation of a special fund for the purpose of paying such pensions, and the accumulation of contributions to said fund from the revenues of the agency, the wages of officers or employees, voluntary contributions, gifts, donations or any source of revenue not inconsistent with the general powers of the board, and to contract with any insurance corporation or any other insurance carrier for the maintenance of a service covering the pension of such officers or employees, and to provide in such ordinance for the terms and conditions under which such pensions shall be awarded, and for the time and extent of service of officers or employees before such pensions shall be available to them;

18. To acquire, control, distribute, store, spread, sink, treat, purify, reclaim, recapture, and salvage any water, including sewage and storm waters, for the beneficial use or uses and protection of the agency or its inhabitants or the owners of rights to water therein; provided, however, that all waters of the Whitewater River system are excluded from the provisions hereof, except such waters of said system as may be lawfully acquired by the San Gorgonio Pass Water Agency.

19. Subject to the limitations in subdivision 9 of this section, to join with one or more public agencies, private corporations or other persons for the purpose of carrying out any of the powers of the agency, and for that purpose to contract with such other public agencies or private corporations or persons for the purpose of financing such acquisitions, constructions and operations. Such contracts may provide for contributions to be made by each party thereto and for the

division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for any agency to effect such acquisitions and to carry on such operations, and shall provide in the powers and methods of procedure for such agency the method by which such agency may contract. Such contracts with other public agencies or private corporations or persons may contain such other and further covenants and agreements as may be necessary or convenient to accomplish the purposes thereof. Particularly, but not exclusively, the agency may contract with the State of California for delivery of water under the State Water Plan. The term "public agency," as used in this subdivision, shall be deemed to mean and include the United States of America or any department or agency thereof, the State of California or any department or agency thereof, a county, city, public corporation, the Metropolitan Water District of Southern California, or other public district of this state. The term "private corporation," as used in this subdivision, shall be deemed to mean and include any private corporation organized under the laws of the United States of America or of this or any other state thereof. Contracts mentioned herein include those made with the United States, under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation. Any such contract with the United States of America or any department or agency thereof, or with any private corporation organized under the laws of the United States of America, by which the agency, or an improvement district thereof, incurs an indebtedness or liability exceeding in any year the income and revenue for such year shall not be executed without the assent of two-thirds of the qualified electors of the agency, or an improvement district thereof, voting at a special election to be held for that purpose, such election to be called and held, so far as practicable, in the same manner as bond elections for the agency. The exact form of such contract need not be available at the time of the special election, but the (1) purpose of the contract; (2) maximum amount of the indebtedness created thereby; (3) maximum term of repayment, and (4) maximum interest rate on such indebtedness shall be known and included in the proposition or measure submitted to the qualified electors of the agency, or an improvement district thereof, at such special election.

20. To commence, maintain, intervene in, defend and compromise, in the name of the agency, and to assume the costs and expenses of any and all actions and proceedings which involve or affect the ownership or use of water or water rights, used or useful for any purpose of the agency, or a common benefit to the lands within the agency or inhabitants of the agency, and in any such action or proceeding the agency may

act as a representative of any class or classes of users of water within the agency, producers of water within the agency or owners of rights to water used or useful within the agency, or owners of property within the agency.

21. Distribute water to persons in exchange for ceasing or reducing ground water extractions and to fix the terms and conditions of any contract under which producers may agree voluntarily to use replenishment water from a nontributary source in lieu of ground water, and to such end an agency may become a party to such contract and pay from the agency funds such portion of the cost of such replenishment waters as will encourage the purchase and use of such water in lieu of pumping so long as the persons or property within the agency are directly or indirectly benefited by the resulting replenishment.

22. To issue bonds under Section 28 of this act for the purpose of providing money required to be paid by this agency to the State of California or any agency thereof under any contract which shall be made with it, or as all or part of the terms and conditions under which the corporate area of the agency may be annexed to and become a part of any metropolitan water district organized under the Metropolitan Water District Act. The amount of said bonds may include expenses of all proceedings for the authorization, issuance and sale of the bonds.

23. To issue revenue bonds for any purpose for which general obligation bonds may be issued, and for any purpose for which such bonds could be issued under the provisions of the Revenue Bond Law of 1941 or any other law which by its terms is applicable to the agency.

24. To use the Improvement Act of 1911 for the construction of any facilities authorized to be constructed under the provisions of this act. The powers and duties conferred by the Improvement Act of 1911 on the various boards, officers and agents of cities shall be exercised by the respective boards, officers and agents of the agency. In the application of said Improvement Act of 1911 to proceedings instituted by the agency, the terms used in said Improvement Act of 1911 shall have the following meanings:

(a) "City council" and "council" shall mean the board of directors of the agency.

(b) "Municipality" and "city" shall mean the agency.

(c) "Clerk" and "city clerk" shall mean the secretary.

(d) "Superintendent of streets," "street superintendent" and "city engineer" shall mean the chief engineer of the agency.

(e) "Tax collector" shall mean the county tax collector.

(f) "Treasurer" and "city treasurer" shall mean the treasurer of the agency.

(g) "Mayor" shall mean the president of the board of directors of the agency.

(h) "Right-of-way" shall mean any parcel of land in, on, under or through which a right-of-way or easement has been granted to the agency for the purpose of constructing and maintaining any works or improvements of the agency.

Any certificates or documents required to be filed or recorded in the office of the superintendent of streets or street superintendent shall be filed and recorded in the office of the Secretary of the San Gorgonio Pass Water Agency.

25. To disseminate information concerning the activities of the agency; and in instances in which it shall be found by two-thirds vote of the board of directors to be necessary for the protection of agency rights and properties to disseminate information concerning such rights and properties, also concerning matters which in the judgment of the board may adversely affect such rights and properties; provided, that expenditures during any fiscal year for such purposes shall not exceed one cent ($0.01) for each one hundred dollars ($100) of assessed valuation of such agency.

CHAPTER 1028

An act to add Section 4140.5 to the Business and Professions Code, relating to pharmacy.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 4140.5 is added to the Business and Professions Code, to read:

4140.5. (a) A nonresident distributor of hypodermic needles or syringes doing business in this state that has not obtained a certificate, license, permit, registration, or exemption from the board and that sells or distributes hypodermic needles or syringes in this state through any person or medium other than a wholesaler which 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 not conduct the business of selling or distributing hypodermic needles or syringes in this state without obtaining a nonresident hypodermic needle or syringe distributor's license from the board.

(b) Applications for a nonresident hypodermic needle or syringe 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.

(c) The board may deny, revoke, or suspend such nonresident distributor's license for any violation of this chapter.

(d) The Legislature, by enacting this section, does not intend a license issued to any nonresident distributor pursuant to this section to serve as any evidence that such entity is doing business within this state.

CHAPTER 1029

An act to amend Section 53205.1 of the Government Code, and to validate certain pension trusts and investments, relating to officers and employees of local agencies, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 53205.1 of the Government Code is amended to read:

53205.1. From funds under its jurisdiction, the legislative body may authorize payment of all or such portion as it may elect of the premium for group accident and health insurance and medical and hospital service on the spouse and dependent children under the age of 21, dependent children under the age of 25 who are full-time students at a college or university, and dependent children regardless of age who are physically or mentally incapacitated, of such officers and employees subject to the jurisdiction and for whom group accident and health insurance or medical and hospital service contracts have been procured.

Such expenditures are charges against the funds. If the employer pays any portion of the premiums for such insurance any dividend paid or premiums refunded under any such insurance up to the aggregate expenditures of the employer for such insurance are the employer's property. The excess, if any, shall be applied by the employer for the benefit of such insured employees or their dependents generally.

SEC. 2. Notwithstanding Section 53216 of the Government Code, the establishment of a pension trust and the investment of the assets of the pension trust in bonds and debentures of private and public corporations under the advice of counsel by any housing authority prior to June 1, 1969, is hereby ratified and declared legally effective.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Certain local agencies are planning in the immediate future to procure standard health and medical contracts for their officers and employees, their spouses and dependent children which include certain dependent children above the age of 21 years.

Also, a housing authority in good faith and under advice of counsel has established a pension trust and invested the assets of the pension trust in the bonds and debentures of large private and public corporations. Some question exists as to whether such establishment and investment are authorized by law and thus whether pension benefits may be paid therefrom. This act must take effect immediately in order for beneficiaries of the pension trust to receive their retirement allowance without further loss and delay.

CHAPTER 1030

An act to add Section 11005.3 to the Government Code, relating to state agencies.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 11005.3 is added to the Government Code, to read:

11005.3. Any state department, board, or commission may lease any real property for the use of such state agency for storage, warehouse, or office purposes provided the lease term shall not exceed one year and the total rental does not exceed one thousand dollars ($1,000). Any such lease is subject to the approval of the Department of General Services.

CHAPTER 1031

An act reaffirming the existence of the New Car Dealers Policy and Appeals Board and the Cannery Inspection Board, relating to executive reorganization, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding any other provision of law, Chapter 5 (commencing with Section 3000) of Division 2 of the Vehicle Code and Section 11723 shall be operative until the 91st day after the final adjournment of the 1971 Regular Session of the Legislature.

SEC. 2. Notwithstanding any other provision of law, Chapter 8 (commencing with Section 28360) of Division 21 of the Health and Safety Code shall remain in effect.

SEC. 3. It is the intent of the Legislature in enacting this act that any existing state agency affected by Sections 1 and 2 of this act shall not be affected by the provisions of Reorganization Plan No. 1 of 1969 and in the event of any conflict between the provisions of this act and the provisions of Reorganization Plan No. 1 of 1969, the provisions of this act shall control.

SEC. 4. This act shall become operative at the same time that Reorganization Plan No. 1 of 1969 becomes effective.

SEC. 4. In the event any reorganization plan of the Governor submitted to the Legislature at the 1969 session of the Legislature becomes effective, the Legislative Counsel, when preparing a bill effecting such changes as are made by any such plan for introduction pursuant to Section 12081 of the Government Code, shall omit any part of any plan which conflicts with the provisions of this act.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The abolition of the boards affected by this chapter has been proposed by Reorganization Plan No. 1 of 1969. If Reorganization Plan No. 1 of 1969 should become effective and the boards affected by this chapter are to be continued in existence it is necessary for this act to take effect at the same time Reorganization Plan No. 1 becomes effective.

CHAPTER 1032

An act to amend Section 3 of Chapter 1797 of the Statutes of 1963, relating to revision of the Penal Code, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

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 direc-

tor, 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 which shall review all proposed tentative drafts prepared by the committee staff and make whatever recommendations it considers appropriate. Whenever the advisory board or any member thereof does not concur with proposals of the staff, that fact shall be stated in all tentative drafts or reports submitted to the committee by the staff, together with whatever statement or comment any member of the board wishes to submit. The advisory board shall consist of the following persons:

(1) A chairman, who shall preside at all meetings;

(2) A representative to be designated by the Attorney General;

(3) Two district attorneys;

(4) Three lawyers wholly or substantially engaged in the practice of criminal law in the courts of the State of California, one of whom shall be a public defender;

(5) A professor or instructor in law who is also a member of the California State Bar;

(6) A peace officer;

(7) A representative of the Board of Corrections; and

(8) 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 may receive compensation as fixed by the committee, and shall 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.

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:

Improved functioning of the Penal Code revision project is essential in order to assure proper progress of the project. The Legislature finds that changes in the administrative structure of the advisory board are immediately necessary to improve the functioning of the Penal Code revision project.

CHAPTER 1033

An act to amend Section 35752 of, and to add Article 2 (commencing with Section 21400) to Chapter 2 of Division 11 of, and to repeal Article 2 (commencing with Section 21400) of Chapter 2 of Division 11 of, the Vehicle Code, relating to traffic control devices.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Article 2 (commencing with Section 21400) of Chapter 2 of Division 11 of the Vehicle Code is repealed.

SEC. 2. Article 2 (commencing with Section 21400) of Chapter 2 of Division 11 is added to the Vehicle Code, to read:

Article 2. Official Traffic Control Devices

21400. The Department of Public Works shall, after consultation with local agencies, adopt rules and regulations prescribing uniform standards and specifications for all official traffic control devices placed pursuant to the provisions of this code, including, but not limited to, stop signs; yield right-of-way signs; speed restriction signs; railroad warning approach signs; street name signs; stock crossing signs placed pursuant to Section 21364; and warning signs, lights, and devices placed by persons engaged in performing work which interferes with or endangers the safe movement of traffic upon a street or highway.

21401. Only those official traffic control devices that conform to the uniform standards and specifications promulgated by the Department of Public Works shall be placed upon a street or highway.

SEC. 3. Section 35752 of the Vehicle Code is amended to read:

35752. Thereupon, the authority having jurisdiction over the bridge or other structure shall erect and maintain suitable signs specifying the maximum weight so determined, at a distance of not more than 500 feet from each end of the bridge or other structure or any approach thereto.

The standards and specifications for such signs shall be established in accordance with Section 21400 of this code.

CHAPTER 1034

An act to amend Sections 1987 and 2019 of the Code of Civil Procedure, relating to civil litigation.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

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 Section 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.

(c) If the notice specified in subdivision (b) is served at least 20 days before the time required for attendance, or within such shorter time as the court may order, it may include a request that such party or person bring with him books, documents or other things. The notice shall state the exact materials or things desired and that such party or person has them in his possession or under his control. Within five days thereafter, or such other period as the court may allow, the party or person of whom the request is made may serve and file written objections to the request or any part thereof, with a statement of grounds. Thereafter, upon noticed motion of the requesting party, accompanied by a showing of good cause and of materiality of the items to the issues, the court may order production of items to which objection was made, unless the objecting party or person establishes good cause for nonproduction or production under limitations or conditions. The procedure of this subdivision is alternative to the procedure provided by

Sections 1985 and 1987.5 in the cases herein provided for, and no subpoena duces tecum shall be required.

Subject to the provisions of this subdivision, the notice herein provided shall have the same effect as is provided in subdivision (b) as to a notice for attendance of such party or person.

SEC. 1.5. 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 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.

(c) If the notice specified in subdivision (b) is served at least 20 days before the time required for attendance, or within such shorter time as the court may order, it may include a request that such party or person bring with him books, documents or other things. The notice shall state the exact materials or things desired and that such party or person has them in his possession or under his control. Within five days thereafter, or such other period as the court may allow, the party or person of whom the request is made may serve and file written objections to the request or any part thereof, with a statement of grounds. Thereafter, upon noticed motion of the requesting party, accompanied by a showing of good cause and of materiality of the items to the issues, the court may

order production of items to which objection was made, unless the objecting party or person establishes good cause for nonproduction or production under limitations or conditions. The procedure of this subdivision is alternative to the procedure provided by Sections 1985 and 1987.5 in the cases herein provided for, and no subpoena duces tecum shall be required.

Subject to the provisions of this subdivision, the notice herein provided shall have the same effect as is provided in subdivision (b) as to a notice for attendance of such party or person.

SEC. 2. 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 taking 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.

(5) In the case of depositions for which the production of books, documents, or other things is required of a party to the record of any civil action or proceeding or person for whose immediate benefit an action or proceeding is prosecuted or defended or anyone who is an officer, director, or managing agent of any such party or person, the service of a subpoena duces tecum and affidavit upon any such person is not required if proper notice is served upon the attorney of such party or person. Such notice shall specify the exact materials or things to be produced.

(b) (1) Upon motion seasonably made by any party or by the person to be examined or notified to produce books, documents, or other things 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, books, documents, or other things, 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 deposition 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 suspended 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.

SEC. 3. It is the intent of the Legislature, if amendments to Section 1987 of the Code of Civil Procedure proposed by both this bill and A.B. 680 are enacted that both amendments be given effect and incorporated in Section 1987 in the form set forth in Section 1.5 of this act. Therefore, in the event A.B. 680 is enacted and amends Section 1987, Section 1.5 of this act shall become operative at the same time that Section 1987 as amended by A.B. 680 becomes operative, and at that time, Section 1987 of the Code of Civil Procedure as amended by Section 1 of this act is repealed.

CHAPTER 1035

An act to amend Section 143.1 of the Streets and Highways Code, relating to expenditure of funds for state highways.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 143.1 of the Streets and Highways Code is amended to read:

143.1. The department shall make, at least 30 days before each regular session of the Legislature, a budget report to the Governor.

The commission shall prepare for inclusion, and the department shall include, in said report a statement of all estimated State Highway Fund revenues and revenues available from any other sources and estimated regular federal aid for the next succeeding fiscal year, together with a statement of proposed expenditures or obligations to be incurred during the next succeeding fiscal year for the construction, improvement, and maintenance of the various highways or portions thereof under the jurisdiction of the department under the following headings:

(a) Administration, including payments for services of the Legal Division.

(b) Maintenance.

(c) Major Construction and Improvement. Under this will be shown all proposed expenditures or obligations to be incurred in each county group for major construction and improvement, segregating the route of each highway to be constructed or improved, the county in which located, the number of miles involved, and a description of the type of work to be done.

(d) Minor Improvement and Betterment. This heading will show the total proposed expenditures and obligations to be incurred for each county group for minor improvement and betterment.

(e) Contingencies.

(f) Rights-of-Way. This will show the approximate amount of money needed for the purchase of rights-of-way in each county group.

(g) Other proposed expenditures, including preliminary engineering.

The said report as submitted by the department shall be included in the printed fiscal year budget submitted to the Legislature. It shall constitute as submitted the complete and detailed budget submitted to the Department of Finance pursuant to Section 13320 of the Government Code. Said budget shall be administered by the Department of Finance as the fiscal year budget of the Division of Highways under the provisions of this section and of Article 2 (commencing with Section 13320) of Chapter 3 of Part 3 of Division 3 of Title 2 of the Government Code. In the case of any inconsistency, the provisions of this section shall control.

All changes or modifications in the budget shall be by vote of the commission, approved by the Director of Finance where required by this section.

Funds may be transferred from Item (e), Contingencies, to other items by vote of the commission, but no increase or decrease shall be otherwise made in any of Items (a) to (g), inclusive, of said budget without the approval of the Director of Finance. No project shown under Item (c) shall be eliminated and no new project shall be added to Item (c) of the budget without the approval of the Director of Finance. If it is necessary to eliminate or postpone any project shown under Item (c) to meet an emergency caused by floods, earthquake or other like cause or on account of decreased revenue or on account of increased costs on other work, the commission may eliminate or postpone such project upon the written approval of the Director of Finance.

In the event, during an annual period, the budgetary amount approved and allocated by the commission for any purpose exceeds the amount actually necessary therefor, with a resultant available surplus, such surplus may be allocated by

the commission to any other purpose or supplemental project upon the written approval of the Director of Finance.

In administering said budget, the Director of Finance shall not limit expenditures or incurrence of obligations thereunder to quarterly, semiannual or other periods of the fiscal year and shall not require any greater detail than that specified in this section and in Section 143.2.

Contracts for any construction and improvement projects for which funds are available during any fiscal year may be awarded on and after the first day of January preceding the beginning of the fiscal year. In the case of contracts subject to Section 143.15, funds therefor may be obligated and made available by the department on and after the first day of January preceding the beginning of each fiscal year.

SEC. 2. Section 143.1 of the Streets and Highways Code is amended to read:

143.1. The department shall make, at least 30 days before each regular session of the Legislature, a budget report to the Governor.

The commission shall prepare for inclusion, and the department shall include, in said report a statement of all estimated State Highway Fund revenues and revenues available from any other sources and estimated regular federal aid for the next succeeding fiscal year, together with a statement of proposed expenditures or obligations to be incurred during the next succeeding fiscal year for the construction, improvement, and maintenance of the various highways or portions thereof under the jurisdiction of the department under the following headings:

(a) Administration, including payments for services of the Legal Division.

(b) Maintenance.

(c) Major Construction and Improvement. Under this will be shown all proposed expenditures or obligations to be incurred in each county group for major construction and improvement, segregating the route of each highway to be constructed or improved, the county in which located, the number of miles involved, and a description of the type of work to be done.

(d) Minor Improvement and Betterment. This heading will show the total proposed expenditures and obligations to be incurred for each county group for minor improvement and betterment.

(e) Contingencies.

(f) Rights-of-Way. This will show the approximate amount of money needed for the purchase of rights-of-way in each county group.

(g) Other proposed expenditures, including preliminary engineering.

The said report as submitted by the department shall be included in the printed fiscal year budget submitted to the Legis-

lature. It shall constitute as submitted the complete and detailed budget submitted to the Department of Finance pursuant to Section 13320 of the Government Code. Said budget shall be administered by the Department of Finance as the fiscal year budget of the Division of Highways under the provisions of this section and of Article 2 (commencing with Section 13320) of Chapter 3 of Part 3 of Division 3 of Title 2 of the Government Code. In the case of any inconsistency, the provisions of this section shall control.

All changes or modifications in the budget shall be by vote of the commission, approved by the Director of Finance where required by this section.

Funds may be transferred from Item (e), Contingencies, to other items by vote of the commission, but no increase or decrease shall be otherwise made in any of Items (a) to (g), inclusive, of said budget without the approval of the Director of Finance. No project shown under Item (c) shall be eliminated and no new project shall be added to Item (c) of the budget without the approval of the Director of Finance. If it is necessary to eliminate or postpone any project shown under Item (c) to meet an emergency caused by floods, earthquake or other like cause or on account of decreased revenue or on account of increased costs on other work, the commission may eliminate or postpone such project upon the written approval of the Director of Finance.

In the event, during an annual period, the budgetary amount approved and allocated by the commission for any purpose exceeds the amount actually necessary therefor, with a resultant available surplus, such surplus may be allocated by the commission to any other purpose or supplemental project upon the written approval of the Director of Finance.

In administering said budget, the Director of Finance shall not limit expenditures or incurrence of obligations thereunder to quarterly, semiannual or other periods of the fiscal year and shall not require any greater detail than that specified in this section and in Section 143.2.

Construction and improvement projects, including cooperative projects and day labor work, for which funds are available during any fiscal year, may be commenced by award of contract or as otherwise authorized by law on and after the first day of January preceding the beginning of the fiscal year. In the case of contracts subject to Section 143.15, funds therefor may be obligated and made available by the department on and after the first day of January preceding the beginning of each fiscal year.

SEC. 3. It is the intent of the Legislature, if amendments to Section 143.1 of the Streets and Highways Code proposed by both this bill and AB 2024 are enacted, that both amendments be given effect and incorporated in Section 143.1 in the form set forth in Section 2 of this act. Therefore, in the event AB 2024 is enacted and amends Section 143.1. Section 2 of

this act shall become operative at the same time that Section 143.1 as amended by AB 2024 becomes operative, and at that time, Section 143.1 of the Streets and Highways Code as amended by Section 1 of this act is repealed.

CHAPTER 1036

An act to add Section 14257 to, to add Article 3 (commencing with Section 14290) to, and to repeal Article 3 (commencing with Section 14290) of, Chapter 3, Part 5, Division 3, Title 2 of, the Government Code, relating to State Contract Act.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 14257 of the Government Code is added to read:

14257. If the department determines that any of the provisions of this chapter are not required for projects estimated to cost less than ten thousand dollars ($10,000), it may exempt such projects therefrom, but shall solicit bids in writing and shall award the work to the lowest responsible bidder or reject all bids.

SEC. 2. Article 3 (commencing with Section 14290) of Chapter 3, Part 5, Division 3, Title 2 of the Government Code is repealed.

SEC. 3. Article 3 (commencing with Section 14290) is added to Chapter 3, Part 5, Division 3, Title 2 of the Government Code, to read:

Article 3. Advertisements for Bids

14290. Public notice of a project which is estimated to cost ten thousand dollars ($10,000) or more shall be given by publication once a week for at least two consecutive weeks, or once a week for more than two consecutive weeks if such longer period of advertising is deemed necessary by the department, next preceding the day set for the receiving of bids, as follows:

(a) In a newspaper of general circulation published in the county in which the project is located, or if located in more than one county, in such a newspaper in a county in which a major portion of the work is to be done; and

(b) In a trade paper of general circulation published in San Francisco for projects located in County Group No. 1, as defined in Section 187 of the Streets and Highways Code, or in Los Angeles for projects located in County Group No. 2, as defined in said Section 187, devoted primarily to the dissemination of contract and building news among contracting and building materials supply firms.

The department may publish the notice to bidders for a project which is estimated to cost ten thousand dollars ($10,000) or more in such additional trade papers or newspapers of general circulation as it deems advisable.

14291. The notice shall state the time and place for the receiving and opening of sealed bids, describing in general terms the work to be done and that the bids will be required for the entire project and for the performance of separate designated parts of the entire project, when the department determines that segregation is advisable.

CHAPTER 1037

An act to amend Section 188.3 of the Streets and Highways Code, relating to maintenance of state highways and toll bridges.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 188.3 of the Streets and Highways Code is amended to read:

188.3. Notwithstanding Section 186, the cost of maintenance of all landscaping and functional planting on state highways by the department and the cost of maintenance of all toll bridges under the jurisdiction of the California Toll Bridge Authority shall be paid out of money in the State Highway Fund available for the construction of state highways, prior to the allocation of money between county groups under Section 188, provided that expenditures for the maintenance of landscaping and functional planting shall be limited to twelve million five hundred thousand dollars ($12,500,000) annually.

CHAPTER 1038

An act to add Sections 12727.1, 12727.2, and 12727.3 to the Water Code, relating to flood control.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 12727.1 is added to the Water Code, to read:

12727.1. The project for flood control on Sonoma Creek in Sonoma County is hereby adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 224, 89th Congress, as

adopted and authorized by the Act of Congress approved October 27, 1965 (Public Law 89-298, 79 Stat. 1073, Title II, the Flood Control Act of 1965), at an estimated cost to the state of such sum 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 12727.2 is added to the Water Code, to read:

12727.2. The Sonoma County Flood Control and Water Conservation District shall give assurances satisfactory to the Secretary of the Army that the local cooperation, required by the Act of Congress approved October 27, 1965 (Public Law 89-298, 79 Stat. 1073, Title II, the Flood Control Act of 1965), will be furnished by the district in connection with the project for flood control adopted and authorized in Section 12727.1.

SEC. 3. Section 12727.3 is added to the Water Code, to read:

12727.3. The Sonoma County Flood Control and Water Conservation District, in conjunction with the Department of the Army, shall execute the plans and projects referred to in Section 12727.1, and may make modifications and amendments to the plans as may be necessary to execute them for the purposes of Chapters 1 (commencing with Section 12570) and 2 (commencing with Section 12639) of this part.

CHAPTER 1039

An act to amend Section 9516 of the Business and Professions Code, relating to dry cleaning.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 9516 of the Business and Professions Code is amended to read:

9516. The provisions of this chapter do not apply to any store whose major business is selling merchandise and which is not engaged in cleaning, dyeing, spotting, sponging, or pressing as an occupation for gain, but which performs a process of cleaning, dyeing, spotting, sponging, or pressing only in order to renovate wearing apparel or other goods which have become soiled or stained in transit from the manufacturer, or which have subsequently become shopworn, soiled, or stained; nor to any hotel or resident club that renders any spotting, sponging, or pressing service for their guests or employees only.

CHAPTER 1040

An act to add Article 6 (commencing with Section 485) to Chapter 3, Division 2 of, and to repeal Article 4 (commencing with Section 981) Chapter 2, Division 4 of, the Education Code, relating to school board members.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Article 6 (commencing with Section 485) is added to Chapter 3, Division 2 of the Education Code, to read:

Article 6. Workshops

485. The Department of Education and a statewide association composed exclusively of school district governing boards or county boards of education, or both, acting jointly, may conduct annual workshops within this state. Such workshops shall include but are not limited to study and instruction on the subjects of school finance, the Education Code and related laws, and the ethics, duties, and responsibilities of school district governing boards and county boards of education. A reasonable fee not to exceed the estimated pro rata cost of the workshop may be charged board members and members-elect who attend.

486. The State Department of Education shall maintain a permanent record of each school district and county board of education member who successfully completes a workshop and shall issue a certificate of completion to such member.

487. Any member or member-elect of a school district governing board who attends and successfully completes a workshop as authorized by this article may be reimbursed for expenses as provided for in Section 1072.

488. Any member or member-elect of a county board of education who attends and successfully completes a workshop as authorized by this article may be reimbursed for expenses as provided for in Section 707.

SEC. 2. Article 4 (commencing with Section 981), Chapter 2, Division 4, of the Education Code is repealed.

CHAPTER 1041

An act to amend Section 11006 of the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 11006 of the Welfare and Institutions Code is amended to read:

11006. All money paid to a recipient or recipient group as aid is intended to help the recipient meet his individual needs or, in the case of a recipient group, the needs of the recipient group, and is not for the benefit of any other person. Aid granted shall not be construed as income to any person other than the recipient or, in the case of a recipient group, the recipient group.

Except as basic needs are provided pursuant to a life care agreement governed by Chapter 4 (commencing with Section 16300) of Part 4, the director shall formulate and promulgate regulations which establish criteria for evaluation of allowances provided to recipients of public assistance under the following circumstances:

1. Applicants or recipients who reside in a facility operated by an organization that provides for any or all of the basic needs of the individual.

2. Applicants or recipients who reside under a living arrangement paid for and controlled by an organization.

CHAPTER 1042

An act to amend Sections 16000 and 16080 of, the Government Code, relating to environmental quality control.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 16000 of the Government Code is amended to read:

16000. The Legislature finds that:

(a) Rapid population growth, economic development and urbanization have affected the quality of California's natural environment.

(b) The proliferation of noise from transportation sources have led to the exposure of large sectors of the populace to an unacceptable degree of noise.

(c) The anticipated rates of construction of new airports and extension of existing airports, construction of freeways and mass rapid transit lines, and the introduction into service of intraurban short takeoff and land and vertical takeoff and land aircraft operating at low cruising altitudes will rapidly escalate the urban noise problem unless systematic preventive measures are taken.

(d) There is a large discrepancy between the technology available for control of urban noise and the degree to which

it is being utilized in practice, through such means as land use planning, noise control provisions in building design and construction, and legal control over the movements of noise-producing transportation vehicles.

(e) 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.

SEC. 2. Section 16080 of the Government Code is amended to read:

16080. The council shall:

(a) Make a thorough study of relevant policies, practices, and programs in the state that relate significantly to environmental quality, including noise emission control.

(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.

(h) Appoint a scientific advisory group to consider and report to the council on the state of the art of urban noise-control technology and to recommend appropriate actions necessary to effectively protect, manage, and improve the noise environment on a long-range basis. This advisory group shall be composed of not less than five nor more than 10 members. To provide the necessary depth and breadth in modern acoustics, members of the scientific advisory group shall be practicing acoustical engineers.

(i) Avail itself of technical information available from federal agencies involved in research and administrative measures for the control of noise such as the Departments of Transportation, Housing and Urban Development, and Health, Education and Welfare. Specifically, the council shall apprise itself of technical advisement available from the Interagency Aircraft Noise Abatement Program, including its Land Use and Airports Panel and its Legislative and Legal Panel.

CHAPTER 1043

An act to amend Section 12004 of the Fish and Game Code, relating to fish and game.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 12004 of the Fish and Game Code is amended to read:

12004. A violation of any of the following provisions is punishable by imprisonment in the county jail for a term not exceeding one year or a fine not exceeding one thousand dollars ($1,000), or both:

(a) Any provision of this code relating to sea otter.

(b) Any provision of Sections 4600 to 4606, inclusive, of this code.

(c) Any provision of Section 1059 of this code.

(d) Any provision of this code relating to California condors (Gymnogyps californianus).

(e) Any provision of subdivision (a) or (b) of Section 5650 of this code.

CHAPTER 1044

An act to add Section 6301.7 to the Public Resources Code, relating to the boundary between state-owned submerged lands and outer continental shelf lands, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 6301.7 is added to the Public Resources Code, to read:

6301.7. The commission may negotiate with, and, with the approval of the Governor, may enter into agreements with the United States, or any official, agency, licensee, permittee, or lessee thereof, concerning the effect, if any, of any then existing

or proposed or projected fill, dredging, or construction operations or other activities on or adjacent to tide and submerged lands within the County of Ventura upon the boundary between state-owned submerged lands and the outer continental shelf lands under the jurisdiction of the United States, or concerning the location of such boundary. Such agreements may include, but are not limited to, a waiver on behalf of the State of California of any state-owned submerged lands which would otherwise inure to the state as a result of any such fill, dredging, or construction operations, or other activities. The commission shall, before entering into any such agreement, find that such agreement is in the public interest.

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:

Construction of a badly needed state highway in Ventura County, for which a contract is planned to be advertised by the Department of Public Works in August 1969, requires the placement of revetted earthfill in the Pacific Ocean. A permit for this artificial accretion to the shoreline will not be issued by the Corps of Engineers of the United States Army unless the State of California waives any change in the boundary between state-owned submerged lands and outer continental shelf lands under the jurisdiction of the United States which may occur under the rule laid down by the Supreme Court of the United States in United States v. California, 381 U.S. 139. Unless this act has immediate effect, and the State Lands Commission is given authority, which it now lacks, to negotiate an agreement respecting such a waiver well in advance of the time when this act would otherwise be effective, the highway project will be delayed for several months

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CHAPTER 1045

An act to amend Section 13953 of the Vehicle Code, relating to a motor vehicle.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 13953 of the Vehicle Code is amended to read:

13953. In the alternative to the procedure under Sections 13950, 13951, and 13952 and in the event the department determines upon investigation or reexamination that the safety of the person subject to investigation or reexamination or

other persons upon the highways require such action, the department shall forthwith and without hearing suspend or revoke the privilege of the person to operate a motor vehicle or impose reasonable terms and conditions of probation which shall be relative to the safe operation of a motor vehicle. No order of suspension or revocation or the imposition of terms or conditions of probation shall become effective until 30 days after the giving of written notice thereof to the person affected, except that the department shall have authority to make any such order effective immediately upon the giving of notice when in its opinion because of the mental or physical condition of the person such immediate action is required for the safety of the driver or other persons upon the highways.

CHAPTER 1046

An act relating to the assessment of park and recreation land leased to the state.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. For purposes of this act, "open-space lands" means taxable land, water, and trees and vegetation of whatever type or description and whether planted or of natural growth, when such property is used for the enjoyment of scenic beauty, for recreation, or for the use of natural resources and such property is located outside the boundaries of the irrigation district owning the same.

SEC. 2. For purposes of this act, "enforceable restriction" means that the property is leased by the irrigation district owning the same to the state for a period of 25 years or more to be used by the state for park and recreation purposes for the benefit of the public.

SEC. 3. The full cash value of property described in Section 1 of this act which is subject to the enforceable restriction set forth in Section 2 shall be determined by dividing the annual rental, fees, or other return to the owner under the terms of the lease with the state by .07. The ratio prescribed in Section 401 of the Revenue and Taxation Code shall then be applied to the full cash value to obtain the assessed value.

SEC. 4. The provisions of this act shall in no event apply to more than 2 percent of the total assessed value of property within a county.

SEC. 5. This act shall be operative on and after the lien date in 1970.

CHAPTER 1047

An act to amend Section 20800 of the Education Code, relating to school district taxes.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 20800 of the Education Code is amended to read:

20800. The maximum rate of school district tax for any school year is hereby increased by such amount as will produce the amount of the proposed expenditures of the school district required or authorized pursuant to Article 4 (commencing with Section 5950 of Chapter 6 of, and Article 1 (commencing with Section 6500) of Chapter 7 of Division 6 of this code 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 the revenue from the increase in the rate of tax provided by this section.

The increase provided by this section shall not exceed five cents ($0.05) per each one hundred dollars ($100) of the assessed value of property within the elementary or high school district, and said increase shall be in addition to any other school district tax authorized by law to be levied.

In a unified school district the increase provided by this section shall not exceed ten cents ($0.10) per each one hundred dollars ($100) if the district maintains one or more elementary schools and high schools, and said increase shall be in addition to any other school district tax authorized by law to be levied.

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 fiscal year for the expenditures of the school district during that fiscal year required or authorized by Article 4 (commencing with Section 5950 of Chapter 6 of, or Article 1 (commencing with Section 6500) of Chapter 7 of Division 6 of this code, provided, however, that a district may accumulate from year to year any unencumbered balance derived from the tax levied under this section so long as the accumulated money is ultimately expended for a purpose authorized by Article 4 (commencing with Section 5950) of Chapter 6 of, or Article 1 (commencing with Section 6500) of Chapter 7 of Division 6 of this code.

CHAPTER 1048

An act to amend Section 20111 of the Health and Safety Code, relating to police protection districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 20111 of the Health and Safety Code is amended to read:

20111. Any amount of money raised for the maintenance of a police department in a district by an annual tax levied pursuant to this article shall not exceed in any one year three-fourths of 1 percent of the assessed value of the taxable property in the district.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that police protection districts may obtain the increased amount of money authorized by this act as soon as possible, it is necessary that it take effect immediately.

CHAPTER 1049

An act to amend Section 980 of the Military and Veterans Code, relating to veterans.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

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, 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.

CHAPTER 1050

An act to amend Sections 10161.7, 10201, 10209.5, 10210, 10214.5, 10215, and 10221 of, and to add Sections 10216 and 10216.5 to, the Business and Professions Code, relating to real estate licenses.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 29, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 10161.7 of the Business and Professions Code is amended to read:

10161.7. The license of a real estate broker or salesman may be inactivated within the period for which the license was issued by notifying the commissioner in writing of the inactivation and paying the prescribed fee. The change of status from active to inactive shall be made by the licensee on the active license by marking out all but the licensee's name on the face of the license; by typing or writing in ink on the reverse side the words "Inactive License"; and by typing or writing the licensee's residence address, and date and placing his initials thereon.

An inactive license which is not suspended or revoked may be reinstated at any time during the period for which the license was issued, and may be renewed each four-year period upon the making of application therefor and the payment of the appropriate fee.

Notwithstanding any other provision of this part:

(a) If the license is inactivated or the right to renew the license has not been exercised for a continuous period of more than six months, the license may be reinstated or renewed after a lapse of 30 days of application for renewal or reinstatement.

(b) On or after July 1, 1980, any license which has been inactive for a continuous period of 10 years may be reinstated or renewed provided the licensee has met the examination requirement of an original applicant.

An inactive broker need not maintain a place of business as required by Section 10162.

An inactive licensee shall not be entitled to act in any capacity for which the license is required until the license has been reinstated.

SEC. 2. Section 10201 of the Business and Professions Code is amended to read:

10201. The holder of a renewal license who fails to renew it prior to the expiration of the period for which it was issued and who has otherwise qualified for such license, may renew it within two years from such expiration upon proper application and the payment of a late renewal fee in an amount equal to 1½ times the regular renewal fee. Application for renewal

shall be made at least 30 days prior to termination of the right to renew.

SEC. 3. Section 10209.5 of the Business and Professions Code is amended to read:

10209.5. The fee for an active original or renewal restricted broker license is eighty-five dollars ($85).

SEC. 4. Section 10210 of the Business and Professions Code is amended to read:

10210. The fee for an active original or renewal real estate broker licensee is eighty-five dollars ($85).

In the case of an original applicant, the fee is payable after the applicant is notified of passing the examination for license.

SEC. 5. Section 10214.5 of the Business and Professions Code is amended to read:

10214.5. The fee for an active original or renewal restricted salesman license is sixty dollars ($60).

SEC. 6. Section 10215 of the Business and Professions Code is amended to read:

10215. The fee for an active original or renewal real estate salesman license is sixty dollars ($60).

In the case of an original applicant, the fee is payable after the applicant is notified of passing the examination for license.

SEC. 7. Section 10216 is added to the Business and Professions Code, to read:

10216. The fee for inactivating a real estate broker or salesman license is four dollars ($4).

SEC. 8. Section 10216.5 is added to the Business and Professions Code, to read:

10216.5. The fee for an inactive original or renewal license is one-half of the fee for an active license of the same class.

SEC. 9. Section 10221 of the Business and Professions Code is amended to read:

10221. The fee for reinstatement of a license within a license period is four dollars ($4) plus the difference, if any, between the fee previously paid for issuance of the license and the fee for an active license.

As used in this section, "reinstatement of a license" means the reissuance of a canceled or inactivated real estate broker's license, or the reissuance of a real estate salesman's license which was canceled or inactivated during the period for which it was issued upon the salesman's withdrawal from the employ of a real estate broker.

SEC. 10. This act shall become operative on July 1, 1970.

CHAPTER 1051

An act to add Section 820.7 to the Streets and Highways Code, relating to fringe parking facilities.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 820.7 is added to the Streets and Highways Code, to read:

820.7. The department may apply for and carry out fringe parking facility demonstration projects provided for by Section 11 of the Federal-Aid Highway Act of 1968. Public Law 90-495, and may enter into agreements with authorized officials of the United States for the performance thereof. The department is authorized to do any and all acts with reference to said demonstration projects, including but not limited to the acquisition of land, the construction of facilities thereon, and contracting with local agencies pertaining thereto, provided that federal funds are available for reimbursement therefor, and provided that local agencies benefited by said project agree to contribute all required matching moneys.

CHAPTER 1052

An act to amend Section 101.5 of the Streets and Highways Code, and to add Division 7 (commencing with Section 8600) to the Public Resources Code, relating to recreation, and making an appropriation.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Division 7 (commencing with Section 8600) is added to the Public Resources Code, to read:

DIVISION 7. FISH, WILDLIFE, AND RECREATION IN CONNECTION WITH STATE HIGHWAY PROJECTS

8600. In the General Fund in the Treasury of the state there is the Resources Protection Account.

8601. All moneys deposited in the Resources Protection Account and all accruals to such moneys so deposited may be used for the preservation and enhancement of natural resources, including but not limited to, fish and wildlife resources affected by state highway construction and for units of the state park system designed primarily for the overnight recreational use of persons using the state highway system.

SEC. 2. Section 101.5 of the Streets and Highways Code is amended to read:

101.5. The department may file for record with the Division of State Lands such maps as are necessary to furnish an accurate description of any ungranted swamp, overflow, tide or submerged lands, the bed of any navigable channel, stream, river, creek, lake, bay or inlet, or other sovereign lands of the

State of California which, in the opinion of the department are needed as a right-of-way for and for the protection of any state highway, or as a source of materials for the construction, maintenance or improvement of any such highway. Upon the approval of such map by the chief of said Division of State Lands, the lands described therein are reserved for such use by the department and the department is thereupon authorized to enter upon, occupy and use such lands for such purpose or purposes. Any subsequent grant or permission to use such lands shall be subordinate to such reservation. Any such reservation may be released by the written certificate of the director filed with said Division of State Lands. This section shall not apply to state school lands.

The department shall determine the reasonable value of such right-of-way or materials and shall deposit such amount in the General Fund credited to the Resources Protection Account. The amount so deposited shall be considered as part of the cost of construction of the state highways.

SEC. 3. There is hereby appropriated for the 1969–1970 fiscal year out of the Resources Protection Account in the General Fund in the State Treasury the sum of one hundred thousand dollars ($100,000) to be allocated by the Director of Finance upon recommendation by the Secretary for Resources.

CHAPTER 1053

An act to add Section 1002.6 to the Education Code, relating to district governing boards.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 1002.6 is added to the Education Code, to read:

1002.6. The governing board shall act by majority vote of all of the membership constituting the governing board

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CHAPTER 1054

An act to add Section 104.15 to the Streets and Highways Code, relating to lands acquired for state highway purposes.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 104.15 is added to the Streets and Highways Code, to read:

104.15. Whenever land has been acquired pursuant to Section 104.1, the department may, in its discretion, lease to a local agency for park purposes such portion of the remainder not to exceed 200 feet from the closest boundary of the state highway or public work or improvement, when such use will protect such highway, public work or improvement and its environs, and will preserve its view, appearance, light, air and usefulness. Such lease shall be made in accordance with procedures, terms and conditions to be prescribed by the California Highway Commission. Such terms and conditions shall include all of the following:

(a) Provisions requiring the local agency to develop and maintain such portion of the remainder as a park.

(b) Provision that whenever such portion of the remainder is needed for state highway purposes, the lease shall terminate.

(c) Provision that whenever such portion of the remainder ceases to be used for park purposes, the lease shall terminate.

CHAPTER 1055

An act to amend Section 1090 of, and to add Section 1070.6 to, the Insurance Code, relating to insurance.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 1070.6 is added to the Insurance Code, to read:

1070.6. The withdrawal procedure and fees prescribed by this article shall not be required of a nonsurviving admitted constituent to a merger or consolidation into another admitted insurer in accordance with the applicable statutes and the commissioner's prior written consent given pursuant to subdivision (c) of Section 1011, provided the commissioner is satisfied by documents, authenticated so as to be admissible in evidence over objection, filed with him, that:

(a) Such constituent has discharged all of its liabilities to residents of this state in the manner provided by Section 1071.5;

(b) There will be an admitted insurer directly available to such constituent's policyholders: (1) to obtain policy changes and endorsements, (2) to receive payment of premiums and refund unearned premiums, (3) to serve notice of claim, proof of loss, summons, process, and other papers, and (4) for purposes of suit;

(c) Such constituent shall timely file with the commissioner appropriate financial statements reporting its insurance business done in this state during the calendar year of the merger or consolidation and all appropriate tax returns required by

law for such period, and shall timely pay all taxes found to be due on account of such business; and

(d) Such constituent has surrendered its current California certificate of authority to the commissioner for cancellation as of the effective date of the merger.

The withdrawal procedure and fees prescribed by this article shall not be required of an insurer which has been liquidated by a final order of a court of record of this or any sister state provided a certified copy of such order reciting the fact of liquidation and discharge of all obligations has been filed with the commissioner.

SEC. 2. Section 1090 of the Insurance Code is amended to read:

1090. An insurer which is insolvent, retiring from business in this state other than by merger or consolidation into an admitted insurer with the commissioner's prior written consent, or the required paid-in capital of which is impaired, shall not reinsure its business until its plan to effect such reinsurance is first submitted to the commissioner and approved by him.

CHAPTER 1056

An act to amend Sections 40503, 40505, and 40517 of, and to add Article 3 (commencing with Section 40600) to Chapter 2, Division 17 of, the Vehicle Code, relating to notices of violation.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 40503 of the Vehicle Code is amended to read:

40503. Every notice to appear or notice of violation and every complaint or information charging a violation of any provision of this code regulating the speed of vehicles upon a highway shall specify the approximate speed at which the defendant is alleged to have driven and exactly the prima facie or maximum speed limit applicable to the highway at the time and place of the alleged offense and shall state any other speed limit alleged to have been exceeded if applicable to the particular type of vehicle or combination of vehicles operated by the defendant.

SEC. 2. Section 40505 of the Vehicle Code is amended to read:

40505. Whenever any traffic or police officer delivers a notice to appear or notice of violation charging an offense under this code to any person, it shall include all information set forth upon the copy of the notice filed with a magistrate and no traffic or police officer shall set forth on any notice

filed with a magistrate or attach thereto or accompany the notice with any written statement giving information or containing allegations which have not been delivered to the person receiving the notice to appear or notice of violation.

SEC. 3. Section 40517 of the Vehicle Code is amended to read:

40517. (a) Whenever any person has given his written promise to appear, or has received a written notice of violation, or has received written notice to appear, or against whom a complaint has been filed charging a violation of this code punishable as a misdemeanor requiring such person to appear before a justice court judge who is not at the county seat of the county wherein the offense is alleged to have been committed, he may demand a transfer of the case to a municipal court judge or other magistrate having jurisdiction of the offense at the county seat upon filing with such justice court judge an affidavit that he believes that a fair trial without excessive penalties cannot be had before such justice court judge. In the event that a trial date has been set before such justice court judge, such affidavit must be filed at least 10 days prior to the trial date.

(b) Thereupon the justice court judge with whom the affidavit is filed shall be without jurisdiction to proceed with the case and shall immediately transfer the case and all papers in connection therewith for further proceedings before a municipal court judge or other magistrate having jurisdiction of such offense at the county seat.

(c) The foregoing method of securing a change of venue is in addition to any other method provided by law for obtaining a change of venue.

SEC. 4. Article 3 (commencing with Section 40600) is added to Chapter 2, Division 17 of the Vehicle Code, to read:

Article 3. Notice of Violation

40600. (a) In cases involving traffic accidents, where a peace officer has reasonable cause to believe that a person involved in such accident has committed a violation of this code not declared to be a felony or a violation of a local ordinance adopted pursuant to this code, the officer may prepare in triplicate, on a form approved by the judicial council, a written notice of violation to appear in court or before a person authorized to receive a deposit of bail.

(b) A notice of violation shall contain the name and address of the person, the license number of his vehicle, if any, the name and address, when available, of the registered owner or lessee of the vehicle, the offense charged, and the time and place when and where he may appear. The time specified shall be at least 10 days after such notice of violation is delivered.

(c) The preparation and delivery of a notice of violation does not constitute an arrest.

40601. The place specified in the notice of violation shall be either:

(a) 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 offense charged is alleged to have been committed.

(b) Upon demand of the person receiving the notice of violation, before a municipal court judge or other magistrate having jurisdiction of the offense at the county seat of the county in which the offense is alleged to have been committed or before a magistrate in the judicial district in which the offense is alleged to have been committed.

(c) Before a person authorized to receive a deposit of bail. The clerk and deputy clerks of the municipal and justice courts are persons authorized to receive bail in accordance with a schedule of bail approved by the judges of said courts.

(d) Before the juvenile court, a juvenile court referee, or a juvenile traffic hearing officer within the county in which the offense charged is alleged to have been committed, if the person receiving the notice of violation appears to be under the age of 18 years. The juvenile court shall by order designate the proper person before whom such appearance is to be made.

If the place specified in the notice of violation is within a district or city and county where a department of the municipal court is to hold a night session within a period of not more than 10 days after such notice of violation is delivered, the notice of violation shall contain, in addition to the above, a statement notifying the person receiving such notice that he may appear before such a night session of the court.

40602. The officer shall deliver one copy of the notice of violation to the person named therein.

40603. When a notice of violation has been prepared, delivered, and filed with the court, in lieu of a verified complaint, the notice of violation shall constitute a complaint to which the defendant may plead "guilty" or "nolo contendere." If, however, the defendant does not appear, or deposit lawful bail, or pleads other than "guilty" or "nolo contendere" to the offense charged, a verified complaint may be filed which shall conform to the provisions of Chapter 2 (commencing with Section 948) of Title 5, Part 2 of the Penal Code, and which shall be deemed to be an original complaint, and thereafter proceedings shall be had as provided by law, except that a defendant may, by an agreement in writing, subscribed by him and filed with the court, waive the filing of a verified complaint and elect that the prosecution may proceed upon the written notice of violation.

40604. No warrant shall issue upon a written notice of violation if the person does not appear and, any warrant issued on a verified complaint filed thereafter shall state on

its face that a notice to appear shall be issued in lieu of physical arrest. The peace officer shall, instead of taking the person before a magistrate, prepare a notice to appear and release the person on his promise to appear, as prescribed by Sections 853.6 through 853.8 of the Penal Code. Issuance of a notice to appear and securing a promise to appear shall be deemed a compliance with the directions of the warrant, and the peace officer issuing such notice to appear and obtaining such promise to appear shall endorse on the warrant "Section 40604, Vehicle Code, complied with" and return the warrant to the magistrate who issued it.

CHAPTER 1057

An act to add Part 11 (commencing with Section 5501) to Division 1 of the Revenue and Taxation Code, relating to the taxation of livestock.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 29, 1969]

The people of the State of California do enact as follows:

SECTION 1. Part 11 (commencing with Section 5501) is added to Division 1 of the Revenue and Taxation Code, to read:

PART 11. TAXATION OF LIVESTOCK

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

5501. The Legislature finds that subjecting livestock to the general property tax creates serious inequities between the owners of such livestock, seriously disrupts the orderly marketing of such livestock, and places livestock producers in California at a competitive disadvantage with livestock producers in other states. It is the intent of the Legislature in enacting this part to establish a more equitable method of taxing livestock by providing for a uniform system of in-lieu taxation for the livestock subject to the provisions of this part.

5502. Except where the context otherwise requires, the definitions given in this chapter govern the construction of this part.

5503. "Livestock" means all live female bovine or ovine animals held primarily for breeding purposes and all live bovine or ovine animals held primarily for the production of meat for human consumption or for fiber. "Livestock" specifically does not include swine, animals held primarily for the production of milk for human consumption, nor male animals held primarily for breeding purposes.

5504. "Owner" means the owner of livestock or his agent. Any other person claiming, possessing or controlling livestock

shall provide the name and address of the owner thereof or his agent upon the request of the assessor.

5505. "Head-day" means each calendar day one head of livestock is held in this state by the owner.

5506. "Tax year" means the period beginning with the first day of July of one calendar year and ending on the last day of June of the calendar year next following.

5507. "Tax quarter" means each consecutive period of three calendar months following the beginning of the tax year.

5508. "Acquired" means a transfer of legal or equitable title. "Acquired" shall not include a transfer of an interest as security for a loan.

CHAPTER 2. IMPOSITION OF TAX

5521. For the 1970–1971 tax year and each tax year thereafter, on the privilege of grazing or tending livestock in this state, there is hereby imposed a tax on livestock for each head-day such livestock is in this state, which shall be in lieu of any property tax on livestock subject to taxation pursuant to this part.

5522. The tax shall be imposed at the rate of five mills ($0.005) per head-day on all livestock subject to taxation pursuant to this part, except sheep, and at the rate 0.55 of one mill ($0.00055) per head-day on all sheep subject to taxation pursuant to this part.

5523. The tax computed in accordance with Section 5522 shall be reduced by the same percentage as is exempt with respect to the assessed values of business inventories pursuant to Section 219 of this code.

CHAPTER 3. EXEMPTIONS

5541. Calves born during any tax quarter shall be exempt from the taxes imposed by this part for such tax quarter and the tax quarter next following.

5542. Lambs born during any tax quarter shall be exempt from the taxes imposed by this part for such tax quarter.

5543. Livestock owned by any owner for a period of five days or less shall be exempt from the taxes imposed by this part during the period of such ownership.

5544. The exemptions provided for livestock pursuant to this chapter shall in no way be construed as subjecting livestock otherwise subject to this part to the property tax.

CHAPTER 4. COLLECTION

5561. (a) With respect to the period commencing on the first day of July of any tax year through the last day of December of such year, for purposes of this part, except as otherwise provided in Chapter 3 (commencing with Section 5541) of this part, the taxable period shall commence upon

the occurrence of whichever of the following events occurs first:

(1) At 12:01 a.m. on the first day of July for each head of livestock held by the owner on such date.

(2) At 12:01 a.m. on the day any livestock is acquired by the owner after the first day of July of any tax year.

(3) At 12:01 a.m. on the day after the date any livestock is brought into this state.

(b) With respect to the period commencing on the first day of January of any tax year and ending on the last day of June of such tax year, for purposes of this part, except as otherwise provided in Chapter 3 (commencing with Section 5541) of this part, the taxable period shall commence upon the occurrence of whichever of the following events occurs first:

(1) At 12:01 a.m. on the first day of January for each head of livestock held by an owner on such date.

(2) At 12.01 a.m. on the day any livestock is acquired by the owner after the first day of January of any tax year.

(3) At 12:01 a.m. on the day after the date any livestock is brought into this state.

5562. The taxes imposed pursuant to this part shall become due and shall be payable to the tax collector upon the occurrence of whichever of the following events occurs first:

(a) At 12:01 a.m. on the day of termination of ownership of the livestock.

(b) At 12:01 a.m. on the first day next following the end of the semiannual taxable period of any tax year.

(c) At 12:01 a.m. on the day the livestock is moved from this state.

5563. (a) If the tax imposed by this part becomes due at any time on and after the second day of July and before the second day of January of any tax year, the tax shall become delinquent on the 15th day of February of such tax year.

(b) If the tax imposed by this part becomes due at any time on and after the second day of January of any tax year and before the second day of July of the tax year next following, the tax shall become delinquent on the 15th day of August next following.

5564. A delinquent penalty of 6 percent shall attach on the day any tax imposed by this part becomes delinquent. An additional penalty of 1 percent shall attach to the tax and penalty on the first day of the first calendar month commencing after the tax becomes delinquent and on the first day of each calendar month thereafter on the unpaid balance, until the delinquent tax and penalties have been paid in full.

5565. If, in the opinion of the tax collector, the amount of tax required to be paid to the county pursuant to this part, or any portion thereof, will be jeopardized by delay, the assessor shall thereupon make a determination of the tax or the amount of tax to be collected. The amount so determined shall be immediately due and payable. Such jeopardy determinations and

the amount of tax found to be due thereunder may be collected by the tax collector by any legal means, including but not limited to, the procedures established pursuant to Chapter 3.3 (commencing with Section 2851), Chapter 4 (commencing with Section 2901), Chapter 5 (commencing with Section 3002), and Chapter 6 (commencing with Section 3101) of Part 5 of this division.

5566. Livestock subject to the tax imposed by this part which escape taxation, shall be subject to the tax imposed by this part, including the penalties described in Section 5564.

5567. The tax described in Section 5566 may be imposed at any time within five years after the tax would have otherwise become due and the penalties shall date from the time described in Section 5563.

5568. If any person required to file the report required by Section 5582 files any false or fraudulent report with intent to defeat or evade any tax due under this part, the assessor shall impose the lawful amount of tax due under this part, a penalty equal to 25 percent of the tax, and the penalties provided by Section 5564.

5569. Any taxes imposed pursuant to Sections 5566 and 5568 shall not be reduced as provided by Section 5523.

CHAPTER 5. ADMINISTRATION

5581. The State Board of Equalization shall make such reasonable rules and regulations and prepare such forms as are necessary to carry out the intent and purposes of this part. The forms shall provide for a report on the number of head-days the livestock were in different counties and within cities and school districts within such counties.

5582. On forms provided through the office of the assessor, the owner of livestock, either in person, through his representative or by mail, shall report the tax due. The reports required by this section may be filed with the assessor of any county in which the livestock were located during the tax year. The reports shall be filed on or before 5 p.m. on the day the tax due becomes delinquent.

5583. The auditor of the county in which a report is filed shall transfer any taxes paid pursuant to this part belonging to another county as shown on the report, together with a copy of the report, in order that the auditor of any county receiving transferred funds can allocate them in the manner provided for in Chapter 6 (commencing with Section 5601) of this part.

CHAPTER 6. DISPOSITION OF PROCEEDS

5601. All revenues derived from the tax imposed by this part shall be allocated by the auditor as promptly as is feasible in the following manner:

(a) For the number of head-days livestock were in the county and were not located within a school district, the entire

amount of revenue attributable to such period shall be allocated to the county.

(b) For the number of head-days livestock were in the county and were located within a school district, but were not located within a city, two-thirds of the revenue attributable to such period shall be allocated to the school district, and such amount shall be computed as though the exemption provided for in Section 5523 does not exist. The remainder, if any, shall be allocated to the county. If livestock were located in both an elementary school district and a high school district, the revenue attributable to such period and allocable to school districts shall be divided equally between them.

(c) For the number of head-days livestock were in the county and were located within a city, as well as within one or more school districts, the revenue attributable to such period shall be allocated one-sixth to the city and two-thirds to the school district or districts in the manner specified in subdivision (b), and such amount shall be computed as though the exemption in Section 5523 does not exist. The remainder, if any, shall be allocated to the county.

For purposes of making the allocations required by this section, the auditor shall use the records of the county assessor.

5602. As used in Section 5601, "school district" does not include a junior college district and revenues allocated pursuant to Section 5601 shall not be used for the support of a junior college.

SEC. 2. Money allocated pursuant to Section 1 of this act to any county, city and county, or city may be used for county, city and county, or city purposes, as the case may be.

SEC. 3. Section 1 of this act shall become operative on July 1, 1970. "Livestock," as defined in Section 5503 of the Revenue and Taxation Code, whether or not such livestock is exempt under Chapter 3 (commencing with Section 5541) of Part 11 of Division 1 of the Revenue and Taxation Code, shall be exempt from property taxation on and after the lien date in 1970.

CHAPTER 1058

An act to add Section 13582.1 to the Education Code, relating to classified school employees.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 13582.1 is added to the Education Code, to read:

13582.1. Classified employees shall not be required to perform duties which are not fixed and prescribed for the position by the governing board in accordance with Section 13582, un-

less the duties reasonably relate to those fixed for the position by the board, for any period of time which exceeds five working days within a 15-calendar-day period except as authorized herein.

An employee may be required to perform duties inconsistent with those assigned to the position by the governing board for a period of more than five working days provided that his salary is adjusted upward for the entire period he is required to work out of classification and in such amounts as will reasonably reflect the duties required to be performed outside his normal assigned duties.

Notwithstanding the provisions of this section, a personnel commission and governing board, or a governing board in a nonmerit system district, may, by written rule, provide for an upward salary adjustment for any classified employee required to work out of classification for any period of time less than that required herein.

It is the intent of this section to permit school districts to temporarily work employees outside of their normal duties but in so doing to require that some additional compensation be provided the employee during such temporary assignments.

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 1059

An act to amend Section 388 of the Health and Safety Code, relating to nursing education scholarships.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 388 of the Health and Safety Code is amended to read:

388. Each scholarship under this article is for the period of no more than one academic year, and the award shall be:

(a) For a person qualifying under subdivision (a) or (b) of Section 381, the sum of two hundred dollars ($200) per month for 12 months, plus school fees.

(b) For a person qualifying under subdivision (c) of Section 381, the sum of two hundred fifty dollars ($250) per month for 12 months, plus school fees.

CHAPTER 1060

An act calling a special election to be consolidated with the direct primary election of 1970 and to provide for the submission to the electors of the state at such consolidated election of certain constitutional amendments proposed by the Legislature at the 1969 Regular Session, to take effect immediately, act calling election.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. A special election is hereby called to be held throughout the state on the second day of June, 1970. The special election shall be consolidated with the direct primary 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 and ballot pamphlet 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, Assembly Constitutional Amendments Nos. 28, 29, 30, and 31 proposed by the Legislature at the 1969 Regular Session. Except as otherwise provided in this act, 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 act.

SEC. 2. Within 30 days after either the effective date of this act or the adoption by the Legislature of Assembly Constitutional Amendments Nos. 28, 29, 30, and 31, whichever occurs later, the author of each such amendment and one member of the opposite house who voted with the majority on the amendment shall be appointed by the presiding officers of the respective houses to draft the argument for the adoption of the measure. If such 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 60 days after either the effective date of this act or the adoption by the Legislature of Assembly Constitutional Amendments Nos. 28, 29, 30, and 31, whichever occurs later.

SEC. 3. Within 30 days after either the effective date of this act or the adoption by the Legislature of Assembly Constitutional Amendments Nos. 28, 29, 30, and 31, whichever

occurs later, the Secretary of State shall request the Attorney General to prepare a ballot title for the measure submitted pursuant to this act and shall also request the Legislative Counsel to prepare an analysis of the measure in accordance with Section 3566 of the Elections Code. The title and the analysis shall be filed with the Secretary of State within 60 days after either the effective date of this act or the adoption by the Legislature of Assembly Constitutional Amendments Nos. 28, 29, 30, and 31, whichever occurs later. The measures submitted pursuant to this act shall be designated on the ballot at the election by their ballot titles.

SEC. 4. This act calls an election within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 1061

An act to amend Section 21373 of the Vehicle Code, relating to traffic control.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 21373 of the Vehicle Code is amended 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 city, county, city and county, or state agency involved may require the requesting school district to pay an amount not to exceed 50 percent of the cost of the survey. 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.

CHAPTER 1062

An act to amend Section 11661 of the Insurance Code, relating to workmen's compensation.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 11661 of the Insurance Code is amended to read:

11661. An insurer shall not insure against the liability of the employer for the additional compensation recoverable for serious and willful misconduct of the employer or his agent. An insurer may, however, provide insurance against the expense of defending any suit for serious and willful misconduct against an employer or his agent.

CHAPTER 1063

An act to add Section 1420.5 to the Labor Code, relating to human relations commissions.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 1420.5 is added to the Labor Code, to read:

1420.5. The Division of Fair Employment Practices shall maintain liaison with the human relations commissions of cities, counties, and any city and county, and shall provide any information not designated by law as confidential to such commissions on request.

CHAPTER 1064

An act to amend Section 2501 of the Vehicle Code, relating to the California Highway Patrol, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 2501 of the Vehicle Code is amended to read:

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 device installation and inspection 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 chap-

ter and regulations adopted by the commissioner pursuant thereto. All licenses issued by the commissioner, except those issued to adjusters and installers, shall expire one year from the date of issue. The commissioner shall establish by regulation the terms of adjusters' and installers' licenses as are necessary for the practical administration of the provisions relating to adjusters and installers, but such terms shall not be for less than one nor more than four years. Licenses 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.

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:

Lamp and brake adjusters and motor vehicle pollution control device installers through the year 1968 have been issued four-year licenses. Section 2501 reduces the term of such licenses to one year although the one-year term was intended to apply only to licenses issued for the operation of privately owned and operated ambulances, armored cars, official lamp and brake adjusting stations, official motor vehicle pollution control device installation and inspection stations, and for the transportation of explosives. The application of the one-year term to adjusters' and installers' licenses places an unduly heavy clerical workload on California Highway Patrol field offices and an unnecessary burden on the adjusters and installers affected.

CHAPTER 1065

An act to authorize grants pursuant to the Davis-Grunsky Act to the Poway Municipal Water District in connection with the Poway Water Storage Project.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969]

The people of the State of California do enact as follows:

SECTION 1. The Department of Water Resources is hereby authorized to make grants to the Poway Municipal Water District, pursuant to the Davis-Grunsky Act (Chapter 5 (commencing with Section 12880), Part 6, Division 6, Water Code), in connection with the construction of the Poway Water Stor-

age Project, in such amount as may be provided for in a contract for such assistance between the department and district, but in no event to exceed the amounts of five hundred thirty-nine thousand eight hundred dollars ($539,800) for recreation and three hundred twenty thousand two hundred dollars ($320,200) for fish and wildlife enhancement, which amounts have been determined by the department in its report entitled "Poway Water Storage Project: Findings on the Application of the Poway Municipal Water District for Grants under the Davis-Grunsky Act", and dated January, 1969, to be the maximum amounts for which the district is eligible.

This act shall satisfy the requirement of legislative approval contained in Section 12884 of the Water Code.

SEC. 2. The maximum amounts authorized under Section 1 of this act shall be in addition to any grant made to the district pursuant to paragraph (c) of Section 12884.2 of the Water Code for initial water supply and sanitary facilities.

CHAPTER 1066

An act to amend Section 1748 of the Insurance Code, relating to insurance.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 1748 of the Insurance Code is amended to read:

1748. The commissioner, in any proceeding under the provisions of this article, may, by an alternative order, permit a licensee, found for the first time to have violated this code or any lawful regulation, to elect in writing to pay a specified money penalty, within a specified time in lieu of a license suspension or other permitted action. If the licensee so elects, the sum of money specified shall be paid to the commissioner for the use of the State of California. The sum specified shall not exceed:

(a) Five hundred dollars ($500) for each offense.

(b) Two thousand five hundred dollars ($2,500) in the aggregate for all offenses involved in any one proceeding.

(c) Twenty percent of the gross commissions on insurance transacted by such licensee in the preceding calendar year.

(d) Any amount proven, or admitted, in such proceeding to have been received and retained by such licensee as a rebate or otherwise, in violation of a provision of this code.

The commissioner shall determine the penalty to be paid in any given case and in doing so shall not be limited to the selection of that penalty specified in any of the above sub-

divisions, as compared with that in any of the other three subdivisions, that will result in the payment by the licensee of the least amount.

Should a licensee so electing fail to pay the specified sum within the specified time, the commissioner may, unless such order be lawfully stayed, revoke the license of the licensee or suspend the same for such period as he may determine.

CHAPTER 1067

An act to add Section 53703 to the Government Code, relating to federal programs.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 53703 is added to the Government Code, to read:

53703. A county or city may do all acts necessary to participate in all programs authorized by a federal housing act, including the Demonstration Cities and Metropolitan Development Act of 1966 or any other federal program whereby federal funds are granted to the county or city or any of its residents for purposes of health, education, welfare, public works or community improvement, including, without limitation thereto, contracting and cooperating with the federal government, the state and its agencies, other local public agencies and private persons and corporations, and may make any expenditure of county or city funds required for such participation.

A county or city may, through its officers and employees, also provide any or all necessary services to any housing authority with regard to which the governing body of the county or city has made a declaration of necessity pursuant to Article 2, Chapter 1, Part 2, Division 24 of the Health and Safety Code.

This section shall not be construed to operate as a grant of authority in compliance with any federal act or program requiring the adoption of specific enabling legislation nor shall it be construed to supersede any such legislation.

CHAPTER 1068

An act to amend Sections 9103, 9104, 9500, and the heading of Chapter 2 (commencing with Section 9500), Part 1, Division 3 of, and to add Article 4 (commencing with Section 9800)

to Chapter 2, Part 1, Division 3 of, the Unemployment Insurance Code, relating to job training and placement.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 29, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 9103 of the Unemployment Insurance Code is amended to read:

9103. "Division" means Division of Job Training, Development and Placement.

SEC. 2. Section 9104 of the Unemployment Insurance Code is amended to read:

9104. "Chief of the division" means Chief of the Division of Job Training, Development and Placement.

SEC. 3. The heading of Chapter 2 (commencing with Section 9500), Part 1, Division 3 of the Unemployment Insurance Code is amended to read:

CHAPTER 2. DIVISION OF JOB TRAINING, DEVELOPMENT AND PLACEMENT

SEC. 4. Section 9500 of the Unemployment Insurance Code is amended to read:

9500. There is in the Department of Human Resources Development the Division of Job Training, Development and Placement which shall administer all job training and placement programs and services for eligible persons as defined in this part.

SEC. 5. Article 4 (commencing with Section 9800), is added to Chapter 2, Part 1, Division 3 of the Unemployment Insurance Code, to read:

Article 4. Office of Manpower Utilization

9800. The Legislature hereby finds and declares that there is a need to upgrade the employment opportunities available to the economically disadvantaged.

The Legislature also finds that, due to the tremendous population increases California has experienced and will continue to experience, there has developed a shortage of professionals particularly in the vital areas of education, health, welfare, law enforcement, recreation, conservation, and public safety; and the Legislature finds that it has been demonstrated that economically disadvantaged persons, lacking in formal education, can perform needed services auxiliary to professionals in these human services fields.

The Legislature further declares that there is a need for a statewide planning entity to find and create jobs for the economically disadvantaged in these human services fields and to identify and develop such employment opportunities in all areas of public employment.

9801. There is in the Division of Job Training, Development and Placement the Office of Manpower Utilization.

9802. The functions of the Office of Manpower Utilization shall be to:

(a) Provide information of the characteristics of available manpower and in public sector employment needs.

(b) Provide information on funding resources available for new uses of manpower and for training and development.

(c) Provide task force technical assistance to both state and local agencies in writing proposals to federal and private funding sources.

(d) Accept and review proposals for funding and to enunciate priority standards of what activities need funding in terms of the state's overall needs.

(e) Coordinate and recommend the use of funds for demonstrations of new ways to develop and utilize available manpower.

(f) Provide information that will allow for appropriate alterations in programs and funding when any major change in the economy takes place.

(g) Build in program quality control and evaluation procedures of new programs.

(h) Summarize and make available knowledge of the results of demonstrations of new uses of manpower, in the state and elsewhere, so that new programs can be developed on a rational basis.

(i) Provide technical assistance to public and private employers to facilitate the implementation of new manpower strategies based on task analysis, job redesign and job restructuring.

9803. The purpose of the Office of Manpower Utilization shall be to develop, in cooperation with other state agencies and the State Personnel Board, entry level jobs in all areas of the state civil service and, in cooperation with local governmental entities, entry level jobs in local government. The office shall concentrate on, but not limit its efforts to, the development of jobs in the human services fields.

9804. The State Personnel Board and the Office of Manpower Utilization shall cooperate in the development of examinations for entry level positions as defined by the State Personnel Board appropriate to carry out the provisions of this article. Such examinations shall equally stress equivalent experience as a job qualification as formal education requirements, as prerequisite to job application in new entry level jobs as defined by the State Personnel Board whenever feasible and to the greatest extent possible. Formal education shall not be required as a prerequisite to employment in entry level positions in human services fields wherever it is feasible and to the greatest extent possible to avoid formal education requirements.

CHAPTER 1069

An act to add Sections 13901.1 and 14115 to the Education Code, relating to the State Teachers' Retirement Fund.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 29, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 13901.1 is added to the Education Code, to read:

13901.1. The State Teachers' Retirement Fund may also include contributions from California public school districts for the employer's contribution, when such contributions are financed by the federal government or through a service agreement for professional services.

This section specifically authorizes school districts to make contributions on behalf of employees for the employer's contributions when such contributions are financed by the federal government or through a service agreement for professional services.

If contributions are made pursuant to this section, the board shall set the rate of employer contributions, in excess of the amount specified in Section 14210, necessary to offset the obligation accruing to the State General Fund on behalf of or as a direct or incidental result of these programs.

SEC. 2. Section 14115 is added to the Education Code, to read:

14115. The State Teachers' Retirement Fund may also include contributions from California public school districts for the employer's contribution, when such contributions are financed by the federal government or through a service agreement for professional services.

This section specifically authorizes school districts to make contributions on behalf of employees for the employer's contributions when such contributions are financed by the federal government or through a service agreement for professional services. If contributions are made pursuant to this section, the board shall set the rate of employer contributions, in excess of the amount specified in Section 14107, necessary to offset the obligation accruing to the State General Fund on behalf of or as a direct or incidental result of these programs.

SEC. 3. Section 2 of this act shall become operative only if Assembly Bill No. 1728 is enacted by the Legislature at its 1969 Regular Session, and in such case at the same time as Assembly Bill No. 1728 takes effect; at which time Section 13901.1 of the Education Code as added by Section 1 of this act is repealed.

CHAPTER 1070

An act to authorize grants pursuant to the Davis-Grunsky Act to the City of Escondido in connection with the Dixon Dam and Reservoir Project.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. The Department of Water Resources is hereby authorized to make grants to the City of Escondido, pursuant to the Davis-Grunsky Act (Chapter 5 (commencing with Section 12880), Part 6, Division 6, Water Code), in connection with the construction of the Dixon Dam and Reservoir Project, in such amount as may be provided for in a contract for such assistance between the department and city, but in no event to exceed the amounts of five hundred twenty-five thousand eight hundred dollars ($525,800) for recreation and three hundred thirty-one thousand eight hundred dollars ($331,800) for fish and wildlife enhancement, which amounts have been determined by the department in its report entitled "Dixon Dam and Reservoir Project: Findings on the Application of the City of Escondido for Grants under the Davis-Grunsky Act," and dated April 1969, to be the maximum amounts for which the city is eligible.

This act shall satisfy the requirement of legislative approval contained in Section 12884 of the Water Code.

SEC. 2. The maximum amounts authorized under Section 1 of this act shall be in addition to any grant made to the city pursuant to paragraph (c) of Section 12884.2 of the Water Code for initial water supply and sanitary facilities.

CHAPTER 1071

An act to add Section 15802.5 to the Education Code, relating to school fire insurance.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 15802.5 is added to the Education Code, to read:

15802.5. Notwithstanding the provisions of Section 15802, for the 1969–1970 fiscal year only, upon the approval of the Superintendent of Public Instruction, the deductible amount of fire insurance for any school district with an average daily

attendance of less than 50,000 may exceed one thousand dollars ($1,000) for each occurrence.

This section shall remain in effect until July 1, 1970, and thereafter shall have no force or effect.

CHAPTER 1072

An act to amend Sections 13510, 13512, 13520, 13522, and 13523 of, and to add Section 13507 to, the Penal Code, relating to peace officers.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 29, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 13507 is added to the Penal Code, to read:

13507. As used in this chapter, "district" means any of the following:

(a) A regional park district.

(b) A district authorized by statute to maintain a police department.

SEC. 2. Section 13510 of the Penal Code is amended to read:

13510. For the purpose of raising the level of competence of local law enforcement officers, the commission shall adopt, and may, from time to time amend, rules establishing minimum standards, relating to physical, mental, and moral fitness, which shall govern the recruitment of any city police officers, peace officer members of a county sheriff's office, policemen of a district authorized by statute to maintain a police department, or peace officer members of a regional park district, in any city, county, city and county, or district receiving state aid pursuant to this chapter, and shall adopt, and may, from time to time amend, rules establishing minimum standards for training of city police officers, peace officer members of county sheriff's offices, policemen of a district authorized by statute to maintain a police department, and peace officer members of a regional park district which shall apply to those cities, counties, cities and counties, and districts receiving state aid pursuant to this chapter. All such rules shall be adopted and amended pursuant to Chapter 4.5 (commencing with Section 11371) of Part 1, Division 3, Title 2 of the Government Code.

SEC. 3. Section 13512 of the Penal Code is amended to read:

13512. The commission shall make such inquiries as may be necessary to determine whether every city, county, city and county, and district receiving state aid pursuant to this chapter is adhering to the standards for recruitment and training established pursuant to this chapter.

SEC. 4. 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 and districts pursuant to this chapter.

SEC. 5. Section 13522 of the Penal Code is amended to read:

13522. Any city, county, city and county, or district which desires to receive state aid pursuant to this chapter shall make application to the commission for such aid. The initial application must be accompanied by a certified copy of an ordinance adopted by its governing body providing that while receiving any state aid pursuant to this chapter, the city, county, city and county, or district will adhere to the standards for recruitment and training established by the commission. The application shall contain such information as the commission may request.

SEC. 6. Section 13523 of the Penal Code is amended to read:

13523. The commission shall annually allocate and the State Treasurer shall pay from the Peace Officers' Training Fund to each city, county, city and county, and district which has applied and qualified for aid pursuant to this chapter an amount determined by the commission pursuant to standards set forth in its regulations. The commission shall grant aid only on a basis that is equally proportionate among cities, counties, cities and counties, and districts.

In no event shall any allocation be made to any city, county, city and county, or district which is not adhering to the standards established by the commission as applicable to such city, county, city and county, or district.

CHAPTER 1073

An act to amend and renumber Section 4506.5 of, to add Sections 4509 and 4509.5 to, and to repeal Section 4506 of, the Business and Professions Code, relating to psychiatric technicians.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 4506 of the Business and Professions Code is repealed.

SEC. 2. Section 4506.5 of the Business and Professions Code is amended and renumbered to read:

4506. Notwithstanding any other provision of this chapter, any person 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, or 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 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. 3. Section 4509 is added to the Business and Professions Code, to read:

4509. Notwithstanding any other provision of this chapter any person who entered a psychiatric technician training program of the Department of Mental Hygiene, or a program which in the judgment of the board is the equivalent, after January 1, 1969, and before July 1, 1969, and who has successfully completed the course of training, shall be eligible to take the psychiatric technician licensing examination.

SEC. 4. Section 4509 5 is added to the Business and Professions Code, to read:

4509.5. Nothing in this chapter shall be construed to prevent persons from performing services described in Section 4502 for purposes of training to qualify for licensure under a program approved by the board or for training in another allied professional field.

CHAPTER 1074

An act to amend Section 1161 of the Civil Code, relating to gifts to minors.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 1161 of the Civil Code is amended to read:

1161. (a) A donor may, in the same transaction and by the same document by which the gift is made, designate one or more successor custodians to serve, in the designated order of priority, in the event that the custodian originally named or a prior successor custodian shall be unable to act as custodian, decline to accept the custodianship, resign, die, or become legally incapacitated by setting forth the successor custodian's name, followed in substance by the words: "is designated [first, second, etc., where applicable] successor custodian."

(b) A custodian may designate his successor by executing and dating an instrument of designation before a subscribing witness other than the successor. The instrument of designation may, but need not, contain the resignation of the custodian. If the donor does not designate one or more successor custodians, and if the custodian does not so designate his successor before he dies or becomes legally incapacitated, and the minor has attained the age of 14 years, the minor may designate a successor custodian by executing an instrument of designation before a subscribing witness other than the successor. Only an adult member of the minor's family, a guardian of the minor or a trust company is eligible to become a successor custodian in accordance with the provisions of this subdivision (b).

(c) A successor custodian has all the rights, powers, duties and immunities of a custodian designated in a manner prescribed by this article.

(d) The designation of a successor custodian as provided in subdivision (a) or (b) takes effect as to each item of the custodial property when the custodian resigns, dies, or becomes legally incapacitated, and the custodian or his legal representative:

(1) Obtains the written acceptance of the custodianship, following the designated order of priority, if any, of a successor custodian who is willing to act.

(2) Causes the item, if it is a security in registered form or a life insurance policy or annuity contract, to be registered, with the issuing insurance company in the case of a life insurance policy or annuity contract, in the name of the successor custodian followed, in substance, by the words: "As custodian for _____ under the California Uniform Gift to Minors Act"; and

(3) Delivers or causes to be delivered to such successor custodian any other item of the custodial property, together with the instrument of designation of the successor custodian or a true copy thereof and any additional instruments required for the transfer thereof.

(e) When a designation of a successor custodian takes effect by reason of the resignation of the custodian, the resigning custodian shall promptly do all things within his power to put each item of the custodial property in the possession and control of the successor custodian who accepts the custodianship. The legal representative of a custodian who dies or becomes legally incapacitated promptly shall do all things within his power to put each item of the custodial property in the possession and control of the successor custodian who accepts the custodianship or in the possession and control of the guardian of the estate of a minor if he has such a guardian. If the custodian has executed as provided in subdivision (a) more than one instrument of designation, his legal representative shall treat the instrument dated on an earlier date as having been revoked by the instrument dated on a later date.

(f) If a person designated as custodian or as successor custodian as provided in subdivision (a) or subdivision (b) is not eligible, or is unable to act as custodian, declines to accept the custodianship, dies, or becomes legally incapacitated before the minor attains the age of 21 years, and if the minor has a guardian of his estate, the guardian of the estate of the minor shall be successor custodian. If the minor has no such guardian, and if no designated successor custodian accepts the custodianship, a donor, his legal representative, the legal representative of the custodian, or an adult member of the minor's family, may petition the court for the designation of a successor custodian.

(g) A donor, the legal representative of a donor, an adult member of the minor's family, a guardian of the minor or the minor, if he has attained the age of 14 years, may petition the court that, for cause shown or for the best interests of the minor, the custodian be removed and a successor custodian be designated or, in the alternative, that the custodian be required to give bond for the performance of his duties.

(h) Upon the filing of a petition as provided in this section, the court shall grant an order, directed to the persons and returnable on such notice as the court may require, to show cause why the relief prayed for in the petition should not be granted and, in due course, grant such relief as the court finds to be in the best interests of the minor.

CHAPTER 1075

An act to add Sections 557, 4020, and 23337 to, and to amend Sections 5011, 5014, 5015, 5016, 9261, 12501, and 24001.5 of, the Vehicle Code, and to add Section 3003.5 to the Fish and Game Code, relating to snowmobiles.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 557 is added to the Vehicle Code, to read:

557. A "snowmobile" is a motor vehicle designed to travel over ice or snow in whole or in part on skis, belts, cleats, or low-pressure tires.

SEC. 2. Section 4020 is added to the Vehicle Code, to read:

4020. Any snowmobile that is operated on a two-lane highway only to cross such highway at an angle of approximately 90 degrees to the direction of the roadway and at a place where no obstruction prevents a quick and safe crossing or whenever a roadway is not maintained by snow removal equipment and is not traversable by other vehicular traffic is exempt from registration.

SEC. 3. Section 5011 of the Vehicle Code is amended to read:

5011. Every piece of special construction equipment, special mobile equipment, and cemetery equipment and every snowmobile shall display an identification plate attached thereto.

SEC. 4. Section 5014 of the Vehicle Code is amended to read:

5014. An application for an identification plate for special construction equipment, cemetery equipment, special mobile equipment or a snowmobile shall include the following:

(a) A statement by the owner of the use or uses which he intends to make of the equipment.

(b) A description of the vehicle, including any distinctive marks or features.

(c) A photograph of the vehicle. Only one photograph of one piece of equipment shall be required to be attached to the application when identification plates are to be obtained for more than one piece of equipment, each of which is of the same identical type.

(d) Such other information as may reasonably be required by the department to determine whether the applicant is entitled to be issued an identification plate.

Only subdivisions (a) and (c) of this section shall apply to an application for an identification plate for a snowmobile.

SEC. 5. Section 5015 of the Vehicle Code is amended to read:

5015. (a) The application for an identification plate for special construction, special mobile, and cemetery equipment shall be made before any such piece of equipment is moved over a highway.

(b) The application for an identification plate for a snowmobile shall be made before any operation of the snowmobile on a highway or public or private property.

SEC. 6. Section 5016 of the Vehicle Code is amended to read:

5016. Upon proper application and payment of the service charge, the department shall issue an identification plate and an identification card for the piece of equipment or vehicle for which application is made.

SEC. 7. Section 9261 of the Vehicle Code is amended to read:

9261. A service fee of five dollars ($5) shall be paid for an identification plate for special construction equipment, cemetery equipment, mobile equipment or a snowmobile. Publicly owned special construction equipment, publicly owned special mobile equipment and publicly owned snowmobiles are exempt from the service charge.

SEC. 7.5. Section 9261 of the Vehicle Code is amended to read:

9261. A service fee of five dollars ($5) shall be paid for an identification plate for special construction equipment, ceme-

tery equipment, mobile equipment or a snowmobile. Publicly owned special construction equipment, cemetery equipment, special mobile equipment, and snowmobiles are exempt from the service charge.

SEC. 8. Section 12501 of the Vehicle Code is amended to read:

12501. The following persons are not required to obtain a driver's license:

(a) An officer or employee of the United States, while operating a motor vehicle owned or controlled by the United States on the business of the United States.

(b) Any person while driving or operating implements of husbandry incidentally operated or moved over a highway, except as provided in Section 36300.

(c) Any person while driving or operating a snowmobile as provided in Section 4020.

SEC. 9. Section 23337 is added to the Vehicle Code, to read:

23337. It is unlawful for any person to operate a snowmobile in the following manner:

(a) On a highway except as provided in Section 4020.

(b) In a careless or negligent manner so as to endanger a person or property.

(c) For the purpose of pursuing deer or other game mammal with intent to harass such animals.

(d) For the purpose of violating Section 602 of the Penal Code.

SEC. 10. Section 24001.5 of the Vehicle Code is amended to read:

24001.5. A golf cart as defined in Section 345 and a snowmobile as defined in Section 557 having an unladen weight of less than 1,500 pounds shall only be subject to the provisions of this division which are applicable to a motorcycle.

SEC. 11. Section 3003.5 is added to the Fish and Game Code, to read:

3003.5. It is unlawful to pursue, drive, or herd any game bird, game mammal, or fur-bearing mammal with a snowmobile, except that the use of a snowmobile on private property by the landowner or tenant thereof to drive or herd game mammals for the purpose of preventing damage by such animals to private property is exempt from the provisions of this section.

SEC. 12. It is the intent of the Legislature, if amendments to Section 9261 of the Vehicle Code proposed by both this bill and A.B. 675 are enacted, that both amendments be given effect and incorporated in Section 9261 in the form set forth in Section 7.5 of this act. Therefore, in the event A.B. 675 is enacted and amends Section 9261, Section 7.5 of this act shall become operative at the same time that Section 9261 as amended by A.B. 675 becomes operative, and at that time, Section 9261 of the Vehicle Code as amended by Section 7 of this act is repealed.

CHAPTER 1076

An act to authorize awarding bids for the initial acquisition of equipment for certain junior college buildings and facilities prior to appropriations of state funds from the Junior College Construction Program Bond Act of 1968, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Any junior college district which is commencing the initial acquisition of equipment on the second junior college campus of the district, which will be located more than 50 miles from the existing junior college campus, may award bids for such equipment, 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 equipment for which the bids have been awarded in the event the Legislature fails to appropriate the necessary state funding.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to avoid the loss of considerable portions of state aid which would otherwise be available to the district, and in order to insure that the new junior college be adequately equipped at the commencement of the regular school year in September 1969, it is necessary that this act take effect immediately.

CHAPTER 1077

An act to amend Section 13723.2 of the Education Code, relating to classified positions in merit system school districts.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 13723.2 of the Education Code is amended 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 shall be prescribed by the board and qualification requirements for the position class shall be prepared and approved by the commission, as required by this section, prior to issuance of an announcement calling for a competitive examination to fill position vacancies.

CHAPTER 1078

An act to add Section 23827 to the Business and Professions Code, relating to alcoholic beverages license.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 23827 is added to the Business and Professions Code, to read:

23827. Notwithstanding any other provision of this chapter, in any county where the inhabitants number less than 7,000 and where the major economy of that county is dependent upon the continual use of that county's recreational facilities the department may issue four additional new original on-sale general licenses for bona fide public eating places. Any premises to qualify for a license under this section shall have a seating capacity for 100 or more diners. In no event shall more than four such licenses be issued under this section.

In issuing the licenses provided for in this section, the department shall follow the procedure set forth in Section 23961.

A license issued pursuant to this section shall not be transferred from one county to another.

CHAPTER 1079

An act to add Section 14106.5 to the Welfare and Institutions Code, relating to medical assistance.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 29, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 14106.5 is added to the Welfare and Institutions Code, to read:

14106.5. The director shall adopt all necessary rules and regulations providing for the payment for services rendered under this program on the basis of a total monthly payment for each enrolled recipient. The director shall provide for methods of enrollment and may provide that once a recipient is enrolled, the enrollment may not be terminated, except for good cause, for a period of time not to exceed one year.

CHAPTER 1080

An act to amend Section 6767.5 of the Business and Professions Code, relating to professional engineers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 29, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 6767.5 of the Business and Professions Code is amended to read:

6767.5. (a) The board may register an applicant without examination in that branch of engineering designated as industrial engineering, if the applicant, in the opinion of the board, has all the qualifications necessary for such registration and if the applicant filed his application prior to January 1, 1969, or files an application with the board on or before January 1, 1970.

(b) The board may adopt such rules under provisions of the Administrative Procedure Act as are necessary to implement 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:

This act permits the board to receive applications for registration without examination in that branch of engineering designated as industrial engineering until January 1, 1970. To

permit the registration of applicants as industrial engineers without examination who cannot now be registered it is necessary that this act take effect immediately.

CHAPTER 1081

An act to add Section 2074.7 to the Insurance Code, relating to insurance.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 2074.7 is added to the Insurance Code, to read:

2074.7. Notwithstanding the provisions of Section 2071, granting the right to both insured and insurer to cancel a policy of insurance upon five days' written notice, or the provisions of any policy conforming to such section, the right of the insurer, but not that of the insured, to so cancel shall be subject to modification by written general order or orders of the commissioner, if: (1) the property insured is in the State of California; (2) the insurance policy contains any "basic property insurance" as that term is defined in Chapter 9 (commencing with Section 10090) of Part 1, Division 2 of this code; and (3) the property insured is, on the date of such order or orders of the commissioner, within any geographic area to which any "Fair Plan" approved by the commissioner pursuant to such chapter is applicable.

The commissioner's order or orders may deny to insurers the right to cancel such policies on less than 60 days' notice, or on such lesser number of days of notice as the commissioner may designate. The commissioner's order or orders shall apply uniformly to all insurers having such policies outstanding in all or any designated portions of such a geographic area.

This section, and any order of the commissioner, shall not be effective as to any policy unless the property insured therein is then within a geographic area to which a "Fair Plan" is applicable.

Such orders of the commissioner may contain generally applicable exceptions of certain types of properties, certain types of policies, policies solicited in a particular manner, or policies obtained upon particular representations of the insured. Such orders shall except policies upon which premiums or premium installments have not been paid in accordance with the agreement of the insured, whether payable directly to the insurer or its agent, or indirectly under any premium finance plan or plans for the extension of credit.

No order shall be adopted by the commissioner pursuant to this section unless he has determined that such order is reasonably necessary to carry out the provisions of a fair plan.

CHAPTER 1082

An act to add Section 10756 to the Education Code, relating to pupils.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 10756 is added to the Education Code, to read:

10756. The governing board of every school district when referring to the surname of any pupil shall use the surname of such pupil shown on the document submitted to satisfy the requirements of Section 10504. If the pupil's surname has been changed since such submission pursuant to judicial process, the surname shown on the court order shall be used.

CHAPTER 1083

An act to amend Section 24074 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 24074 of the Business and Professions Code is amended to read:

24074. Before the filing of such a transfer application with the department, if the intended transfer of the business or license involves a purchase price or consideration, the licensee and the intended transferee shall establish an escrow with some person, corporation, or association not a party to the transfer acting as escrow holder, and the intended transferee shall deposit with the escrow holder the full amount of the purchase price or consideration. The licensee and intended transferee shall also enter into an agreement, which agreement shall be deposited with the escrow holder, directing the escrow holder, after the requirements for transfer as provided in Section 24049 are satisfied, to pay out of the purchase price or consideration, the claims of the bona fide creditors of the licensee who file their claims with the escrow holder before the escrow holder is notified by the department of its approval of the transfer of the license or if the purchase price or consideration is not sufficient to pay the claims in full, to distribute the consideration as follows:

First, To the payment of claims of secured creditors to the extent of the proceeds which arise from the sale of the security;

Second, To the United States for claims based on income or withholding taxes; and thereafter for claims based on any tax other than taxes specified in Section 24049;

Third, To the payment of claims for wages and salaries earned not more than 90 days prior to the transfer of the license and to the payment of claims on mechanics' liens;

Fourth, To the payment of escrow fees and the payment of claims for prevailing brokerage fees for services rendered and claims for reasonable attorney's fees for services rendered;

Fifth, To the payment of claims for goods sold and delivered to the transferor for resale at his licensed premises;

Sixth, To the payment of all other claims. The last category of creditors for whom there are not sufficient assets available for the payment of the claim in full, shall be paid pro rata.

If the transferor licensee disputes any claim the escrow holder shall notify the claimant and the amount or pro rata amount thereof shall be retained by the escrow holder for a period of 25 days, and if not attached shall be paid to the transferor licensee. The agreement shall also provide that the escrow holder shall make the payment or distribution within a reasonable time after the completion of the transfer of the license.

SEC. 2. Section 24074 of the Business and Professions Code is amended to read:

24074. Before the filing of such a transfer application with the department, if the intended transfer of the business or license involves a purchase price or consideration, the licensee and the intended transferee shall establish an escrow with some person, corporation, or association not a party to the transfer acting as escrow holder, and the intended transferee shall deposit with the escrow holder the full amount of the purchase price or consideration. The transfer application shall be accompanied by a description of the entire consideration. Such description shall include a designation of cash, checks, promissory notes, and tangible and intangible property, and the amount of each thereof. The licensee and intended transferee shall also enter into an agreement, which agreement shall be deposited with the escrow holder, directing the escrow holder, after the requirements for transfer as provided in Section 24049 are satisfied, to pay out of the purchase price or consideration, the claims of the bona fide creditors of the licensee who file their claims with the escrow holder before the escrow holder is notified by the department of its approval of the transfer of the license or if the purchase price or consideration is not sufficient to pay the claims in full, to distribute the consideration as follows:

First, To the payment of claims for wages, salaries, or fringe benefits of employees of the seller or transferor earned or accruing within ninety (90) days prior to the sale, transfer, or opening of an escrow for the sale thereof;

Second, To the payment of claims of secured creditors to the extent of the proceeds which arise from the sale of the security;

Third, To the United States for claims based on income or withholding taxes; and thereafter for claims based on any tax other than taxes specified in Section 24049;

Fourth, To the payment of claims on mechanics' liens;

Fifth, To the payment of escrow fees and the payment of claims for prevailing brokerage fees for services rendered and claims for reasonable attorney's fees for services rendered:

Sixth, To the payment of claims for goods sold and delivered to the transferor for resale at his licensed premises;

Seventh, To the payment of all other claims. The last category of creditors for whom there are not sufficient assets available for the payment of the claim in full, shall be paid pro rata.

If the transferor licensee disputes any claim the escrow holder shall notify the claimant and the amount or pro rata amount thereof shall be retained by the escrow holder for a period of 25 days, and if not attached shall be paid to the transferor licensee. The agreement shall also provide that the escrow holder shall make the payment or distribution within a reasonable time after the completion of the transfer of the license.

SEC. 3. It is the intent of the Legislature, if amendments to Section 24074 of the Business and Professions Code proposed by both this bill and A.B. 252 are enacted, that both amendments be given effect and incorporated in Section 24074 in the form set forth in Section 2 of this act. Therefore, in the event A.B. 252 is enacted and amends Section 24074, Section 2 of this act shall become operative at the same time that Section 24074 as amended by A.B. 252 becomes operative and at that time Section 24074 of the Business and Professions Code as amended by Section 1 of this act is repealed.

CHAPTER 1084

An act to amend the heading of Chapter 9 (commencing with Section 1750) of Division 2 of, and to add Article 3 (commencing with Section 1760) to Chapter 9 of Division 2 of, the Health and Safety Code, relating to emergency medical care.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 29, 1969]

The people of the State of California do enact as follows:

SECTION 1. The heading of Chapter 9 (commencing with Section 1750) of Division 2 of the Health and Safety Code, is amended to read:

CHAPTER 9. EMERGENCY MEDICAL CARE SERVICES

SEC. 2. Article 3 (commencing with Section 1760) is added to Chapter 9 of Division 2 of the Health and Safety Code, to read:

Article 3. State Program

1760. The State Department of Public Health shall maintain, in cooperation with local agencies, an Emergency Medical Services Program including, but not limited to, the following:

(a) Collection of data on the use of emergency medical services which will be of value in their development.

(b) Evaluation of emergency medical services.

(c) Establishment of recommended standards for emergency medical services.

(d) Provision of plans whereby community medical emergency services can be augmented by assistance from nearby communities and from other resources throughout the state at large.

(e) Providing consultation services with the emergency medical care committee of each county established under Section 1750 of this code.

1761. The department shall report to the Legislature by January 1, 1973, on the Emergency Medical Services Program and shall report every odd-numbered year thereafter.

1762. The program provided by this article shall terminate if federal funds for the program become unavailable.

CHAPTER 1085

An act to amend Sections 35951, 36110, 36411, 36412, 36424, 36425, 36426, 36428, and 36434 of, to add Sections 36435, 36436, and 36437 to, and to add Chapter 2.5 (commencing with Section 35525) to Part 5 of Division 13 of, the Water Code, relating to California Water Districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 2.5 (commencing with Section 35525) is added to Part 5 of Division 13 of the Water Code, to read:

CHAPTER 2.5. PROVISIONS PERTAINING ONLY TO THE KERN DELTA WATER DISTRICT

35525. The provisions of this chapter shall apply only to the Kern Delta Water District as a member unit of the Kern County Water Agency or an improvement district formed within the district pursuant to the provisions of this division.

35526. In addition to, and as an alternative to, the matters contained in this division regarding apportionment of water, the district may by resolution adopt a plan for water allocation which may include a determination as to what portion of district water will be made available for surface delivery and what portion will be devoted to recharge of ground water, may establish limited areas of the district as the areas in which surface delivery of water service will be made available, the quantity which will be made available to each such surface water service area, and the terms upon which such water service will be made available, and may enter into long-term water service contracts with holders of title to land in such surface water service areas which contracts may provide that the obligations are a lien on the landowners' land in the nature of, and may be collected and enforced in the manner provided in this division for the collection and enforcement of, assessments. If such a contract does so provide, such lien shall have the same force, effect, and priority as an assessment lien as between the contracting landowner and the district, but unless such contract is recorded in the office of the county recorder in the county in which the land is situated, it shall have no force or effect whatever against any person other than a party to the contract unless such person has actual knowledge of the contract and its contents. Such contracts may be acknowledged or proved, certified and recorded in like manner and with like effect as grants of real property, and all statutory provisions relating to the recording or nonrecordation of conveyances of real property, and to the effect thereof, shall apply to such contracts with like effect. Such plan may further provide for allocation of water available to the district on a short-term basis without further notice and hearing. Such matters shall be determined and established in accordance with equitable criteria providing for the economical and efficient distribution and use of water within the district or available for use upon the lands within the district.

35527. A plan adopted pursuant to the terms hereof may be changed, supplemented or amended in the same manner provided for the adoption of an original plan.

35528. Before adoption of such a plan the board shall make, or cause to be made, a report setting forth the proposed plan.

35529. Before adoption of such a plan the board shall pass a resolution declaring the following:

(a) The intention of the board to adopt a plan for distribution and use of water within the district, briefly describing the same.

(b) That a copy of the proposed plan is on file at the district office and is open for public inspection.

(c) The time and place of hearing by the board in regard to the proposed plan.

35530. Notice of such hearing shall be given by publishing a copy of the resolution of intention in a newspaper of general circulation published in Kern County, pursuant to Section 6066 of the Government Code, with the first publication to be at least 14 days prior to the time fixed for such hearing, and by mailing a copy of such resolution, postage prepaid, to each holder of title to land within the district at his address as shown upon the last equalized assessment roll of Kern County. Any error, omission or mistake in such mailing, or any failure of any person to receive such copy, shall not invalidate the proceedings pursuant to this chapter.

35531. 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 such resolution of intention at which hearing any person interested, including all persons owning land in the district, or improvement district therein, to which the hearing pertains, may appear and be heard concerning any matters set forth in the resolution or any matters material thereto. Upon the conclusion of the hearing the board shall by resolution determine, adopt and declare the plan of water allocation in accordance with the provisions of Section 35526 and the effective date of such plan, and shall cause a copy of such resolution to be published in the manner provided in Section 35530. No other notice shall be required.

35532. The district may contract with any private utility as defined in Sections 1502 and 1506 of the Public Utilities Code, to waive all or any portion of the provisions of Sections 1501 to 1506, inclusive, of the Public Utilities Code. Contracts containing such provisions shall be entered into only upon approval of the California Districts Securities Commission and the Public Utilities Commission.

35533. The board of directors of the district shall have the power, in addition to, and as an alternative to, the powers enumerated elsewhere in this division to levy and collect ground water charges for the production of water from the ground water supply within the district which will benefit from the recharge of underground water supplies or the distribution of imported water in the district, such power to be exercised in the same manner and the proceeds therefrom to be used for the same purposes as the Kern County Water Agency may levy, collect and use such charges pursuant to Sections 14.21 to 14.37, inclusive, of the Kern County Water Agency Act. Whenever the district exercises any of the powers conferred on it by this section, the following definitions shall be applicable in construing Sections 14.21 to 14.37, inclusive, of the Kern County Water Agency Act:

(a) "Board" as used in such sections means the Board of Directors of the Kern Delta Water District.

(b) "Agency" as used in such sections means the Kern Delta Water District.

(c) "Water year" as used in such sections means July 1 of one calendar year to June 30 of the following calendar year or such other 12-month period as may be adopted by the board of the district.

(d) "Improvement district" as used in such sections shall mean the Kern Delta Water District or any improvement district within the Kern Delta Water District formed pursuant to this division.

(e) The record required by Section 14.31 of the Kern County Water Agency Act shall be called "The Record of Water Production and Ground Water Charges for the Kern Delta Water District."

35534. In addition to, and as an alternative to, the powers contained in this division, zones may be established within the district for the purpose of fixing rates of assessments varying in accordance with the extent of benefits to each zone derived or to be derived from services to the land in each zone arising from the district's plan of irrigation works and the plan of allocation of imported water in the district.

35535. No zone shall be established or varying rates of assessments fixed under Section 35534 unless the board by resolution declares that it intends to do so and that a public hearing will be held thereon at a specified day and place where all interested persons may appear and be heard. This resolution shall be published in the district pursuant to Section 6066 of the Government Code in a newspaper of general circulation published in Kern County, with the first publication to be at least 14 days prior to the time fixed for hearing, and a copy of said resolution shall be mailed, postage prepaid, to each holder of title to land within the district at his address as shown upon the last equalized assessment roll of Kern County. Any error, omission or mistake in such mailing, or any failure of any person to receive such copy, shall not invalidate the proceedings pursuant to this chapter.. The hearing may be adjourned from time to time at the discretion of the board and at its conclusion the board shall by resolution determine the zones of benefit established, if any, the share of benefits received by each zone arising from the district's operations, expressed as a percent, the criteria for establishing each such zone and the percentage expressed, together with a map in such detail to delineate the geographical area of such zone. The zones and the percentages may be amended from time to time or abolished in the same manner required for original adoption.

35536. The annual statement of expenses filed pursuant to Section 36552 or 37206, as the case may be, shall, in addition to the matters required by such section, contain the amount of expenses to be borne by each zone, which amount shall be computed by multiplying the total expenses by the percentage of benefits accruing to each such zone as so declared by the board.

35537. The board of supervisors in fixing the rate of assessment authorized by Section 35536 pursuant to Section 36608, or in levying such assessment pursuant to Section 37207, as the case may be, shall fix the rate or levy the assessment upon all lands within each zone sufficient to raise the amount stated in the estimate of the district board to be borne by such zone. Assessments made within such zones of benefit established pursuant to this chapter shall be levied on all lands within such zone of benefit on an ad valorem basis.

35538. Proceeds from assessments levied pursuant to this chapter may be used to pay any lawful obligation of the district.

SEC. 2. The State of California and the people thereof are hereby declared to have a primary and supreme interest in securing to the inhabitants and holders of title to lands within the Kern Delta Water District the greatest possible use, conservation and protection of ground water within the district and of waters of the Kern River to which certain holders of title to land within the district may be entitled, to the ends that rights of all holders of title to lands within the district will be recognized and protected through an equitable apportioning of the costs of the project of the district in accordance with benefits received therefrom, that costs of water utilization shall be equalized, and that a firm water supply shall be assured.

Investigation having shown conditions in the area comprising the district to be peculiar to the district, it is hereby declared that a general law cannot be applicable thereto, and the enactment of this special law is therefore necessary for the proper allocation of costs of the project, for the proper distribution and use of waters available to the district, for the protection of life and property therein, and for the public good.

SEC. 3. Section 35951 of the Water Code is amended to read:

35951. Bonds may be issued for the purposes of acquiring or constructing works for irrigation, domestic, municipal, and industrial water supply, acquiring the necessary property for these works, acquiring funds to fulfill contractual commitments to carry out the powers and purposes of the district contained in contracts with other agencies, acquiring all or part of the operating funds for the district (the total amount of such funds so acquired not to exceed at any time an amount equal to the total operating costs of the district for a two-year period as estimated by its board), acquiring any property necessary for the purposes of the district, redeeming any outstanding warrants of the district issued for the acquisition or construction of works of the district and otherwise carrying out the provisions of this division.

SEC. 4. Section 36410 of the Water Code is amended to read:

36410. This chapter provides an alternative method for the formation of improvement districts consisting of a portion of the territory within a district and the issuance of bonds and warrants of said district for said improvement districts. This chapter shall not apply to or affect any other provisions of this division for the formation of improvement districts or the incurring of indebtedness therefor.

SEC. 5. Section 36411 of the Water Code is amended to read:

36411. Improvement districts consisting of contiguous or noncontiguous portions of the territory of a district may be formed within a district and bonds and warrants of the district may be issued for such improvement districts as provided in this chapter.

SEC. 6. Section 36412 of the Water Code is amended to read:

36412. Bonds and warrants of a district for an improvement district may be issued for any purpose for which bonds and warrants of the district may be issued; provided, that the carrying out of said purpose shall benefit the lands within said improvement district.

SEC. 7. Section 36424 of the Water Code is amended to read:

36424. Except to the extent that provision has otherwise been made by the board, as may be permitted by law, for the payment of the principal of and interest upon bonds and warrants of said district for such improvement district as they become due and also for the payment of operating expenses of said improvement district, the annual estimate made by the board of the sum required by the district to discharge all of its obligations shall, in addition to the other amounts required to be included therein, include an amount sufficient to pay the principal of bonds and warrants of the district for said improvement district and the interest thereon as the same becomes due and also to pay operating expenses for said improvement district.

SEC. 8. Section 36425 of the Water Code is amended to read:

36425. In addition to the charges authorized to be fixed and collected pursuant to Article 4, Chapter 2, Part 5 of this division, the board in lieu, in whole or in part, of raising money for the payment of the principal of and interest on bonds and warrants of the district issued for an improvement district or for the operating expenses of said improvement district, may fix and collect charges for the making of water available to the holders of title to land in said improvement district or the occupants thereon. Said additional charges within an improvement district shall be fixed and collected in substantially the same manner and upon the same terms and conditions as is provided in said Article 4 for charges to be fixed and collected within the entire district, except that said

additional charges fixed and collected from an improvement district shall be expended only for the payment of the principal of and interest upon bonds and warrants of the district issued for said improvement district or for payment of the operating expenses of said improvement district.

SEC. 9. Section 36426 of the Water Code is amended to read:

36426. Except as otherwise provided in this chapter, the provisions of this division applicable to general obligation bonds and warrants of the district and assessments therefor shall, so far as consistent with this chapter, apply to general obligation bonds and warrants of the district for improvement districts therein.

SEC. 10. Section 36428 of the Water Code is amended to read:

36428. After the formation of an improvement district additional lands contiguous or noncontiguous thereto may be included therein upon such terms and conditions as may be fixed by the board. If the board is of the opinion that territory should be added to an improvement district, the board shall adopt a resolution of intention which shall state:

(a) The intention of the board to add certain territory to Improvement District No. ___ of _____ District;

(b) That a map showing the exterior boundaries of the territory to be annexed, which map shall govern for all details as to the extent of the area to be annexed, is on file with the secretary of the district and is available for inspection by any person or persons interested;

(c) The terms and conditions of annexation, if any;

(d) The assessments for carrying out any purpose of said improvement district including the payment of principal of and interest on any bonds or warrants 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; and

(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 36114.

SEC. 11. Section 36434 of the Water Code is amended to read:

36434. The board shall repay the district for any advance of funds with any money received which is authorized by law to be used for such a purpose including the proceeds of the sale of bonds and warrants authorized for the purposes of the improvement district.

SEC. 12. Section 36435 is added to the Water Code, to read:

36435. After adopting the resolution ordering the improvement district formed, the board may provide for the issuance of warrants of the district for the improvement district in an amount not exceeding the estimate stated in the resolution ordering the improvement district formed, such warrants to be payable from assessments to be levied and collected upon the lands within said improvement district.

SEC. 13. Section 36436 is added to the Water Code, to read:

36436. Warrants 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 warrants of the entire district, except that assessments for the payment of said warrants 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 warrants shall be issued in the name of the district and shall be designated "Warrants of _____ District for Improvement District No. __" and each warrant and all interest coupons thereon 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. 14. Section 36437 is added to the Water Code, to read:

36437. Except as otherwise provided in this chapter, the provisions of this division applicable to warrants of the district and assessments therefor shall, so far as consistent with this chapter, apply to warrants of the district for an improvement district therein.

SEC. 15. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

(a) In regard to provisions relating only to the Kern Delta Water District, the effective culmination of planning and application and operation of engineering and fiscal data developed for use in such district's project requires the development of an immediate and expedient plan. In order to accomplish this purpose and to effect operation at the earliest possible moment under favorable conditions, it is necessary that this act take effect immediately.

(b) As regards the provisions relating to all California water districts, the ability of districts to provide needed water for agriculture depends upon the planning, financing and construction of irrigation projects. In order to facilitate the financing of projects and to assure completion as soon as prac-

ticable, and thereby to make provision for the water needed to preserve the health and safety of the citizens residing in the affected areas, it is now necessary to amend the law with respect to warrants of water districts and financing of improvement districts of water districts, and it is therefore essential that this act take effect immediately.

CHAPTER 1086

An act to amend Sections 40331, 42200, 42276, 43003, 43006, 44750, 44800, 45102, 45553, 45555, 45557, 45558, 45903, 46009, 46155, 46225, 46256, 46325, 46378, 46760, 46792, 47903 and 47904 of, to add Sections 43003.5, 44800.5, 46382 and 46759.5 to, to add Article 4 (commencing with Section 47980) to Chapter 13 of Part 9 of Division 14 of, and to repeal Section 41152 of, the Water Code, relating to water storage districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 29, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 40331 of the Water Code is amended to read:

40331. The treasurer of the district shall execute a bond in an amount to be fixed by the board, the minimum amount thereof not to be less than ten thousand dollars ($10,000).

SEC. 1.5. Section 41152 of the Water Code is repealed.

SEC. 2. Section 42200 of the Water Code is amended to read:

42200. Upon the organization of a district, the board shall make or cause to be made all examinations, surveys, plans and specifications, and estimates of costs for the acquisition, appropriation, diversion, storage, conservation, and distribution of water, any drainage or reclamation works connected therewith, and the generation of hydroelectric energy incident thereto, and the sale and distribution thereof, as may be necessary or requisite to enable the board to ascertain and estimate the requirements and works necessary for the purpose of the district, and the probable cost and to make a report.

SEC. 3. Section 42276 of the Water Code is amended to read:

42276. The report shall set forth in such detail as the commission may find to be necessary to enable it and the voters to determine the probable cost and the financial and economic feasibility of the proposed project, all the following:

(a) The character and nature of the proposed works.

(b) A description of the rights both to water and land it will be necessary to acquire to complete the project.

(c) Plans and specifications.

(d) An estimate of the cost of the project, including the acquisition of all rights necessary to its completion and operation, and including any amounts proposed to be provided out of bond funds for the establishment of a bond reserve fund and for amounts proposed to be provided out of bond funds for the payment of interest on bonds during construction of the project.

SEC. 4. Section 43003 of the Water Code is amended to read:

43003. The board shall establish equitable rules and regulations for the most economical and efficient distribution and use of water within the district, and pursuant thereto may enter into long-term water service contracts with landowners in the district which contracts may, in the discretion of the board, provide, among other things, that the obligations are a lien on the land with the same force, effect, and priority as an assessment lien if such contract is recorded in the office of the county recorder in the county in which such land is situated. The rules, regulations, and contracts shall recognize and shall be subject to such priorities in the right to water between the different consumers of the water as may legally exist. Among other things the rules and regulations may establish a procedure for fixing tolls and charges authorized by Sections 43006 and 47180 and may provide equitable rules for reapportionment of assessments supplementary to the provisions of Article 8 (commencing with Section 46325) of Chapter 2 of Part 9 of this division.

SEC. 5. Section 43003.5 is added to the Water Code, to read:

43003.5. Upon adoption of rules and regulations, or the adoption of any amendment thereto, a certified copy thereof shall be recorded with the county recorder of each affected county, and until so recorded, no rule or regulation, or amendment thereto, shall be enforceable against any person not having actual knowledge thereof. A copy of the adopted rules and regulations in effect in the district shall be maintained on file and open for inspection at the district office by the district secretary.

SEC. 6. Section 43006 of the Water Code is amended to read:

43006. In addition to levying assessments or fixing tolls and charges under Part 9 (commencing with Section 46000) of this division, and in lieu either in whole or in part of calling such assessments, the board may fix tolls or charges for the use of water, including the use of groundwater, or for any other service of any type or nature whether or not related to water use, rendered by the district, and col-

lect the same from all persons receiving the benefit of the water or other services. The tolls and charges shall be proportional, as nearly as practicable, to the services rendered. Such tolls or charges may be levied and collected in order to provide, in whole or in part, for the payment of amounts due to the state, the department, any other district, or the United States, whether for capital charges or service charges or otherwise, pursuant to contracts made in accordance with Chapter 6 (commencing with Section 44000) of this part, or in order to provide, in whole or in part, for the payment of the costs of a project or the principal of and interest on bonds or warrants of the district, or in order to provide a bond reserve fund to secure bonds of the district, or in order to provide for the operation and maintenance of a project pursuant to Section 47180, or to obtain funds for any lawful purpose of the district. The provisions of Sections 47181 to 47185, inclusive, shall be applicable to any such tolls or charges.

SEC. 7. Section 44750 of the Water Code is amended to read:

44750. The proceeds of sale of district bonds shall be placed in the treasuries of the respective affected counties to the amount of the unpaid assessment in each county and credited to the bond fund of the district, except that any premium received upon the sale of district bonds shall be credited to the bond reserve fund of the district if the resolution of the board directing the sale of the bonds so provides. Said proceeds may be used for the purposes for which the bonds were authorized to be issued under Part 8 (commencing with Section 45100) of this division. Upon completion of an adopted project any balance in said fund shall be used exclusively for the payment of principal of or interest on the bonds sold, or shall be deposited in the bond reserve fund.

SEC. 8. Section 44800 of the Water Code is amended to read:

44800. Any parcel of land bid in and purchased by any county treasurer as trustee of the bond fund of the district may be sold and conveyed by him or his successor in office at any time after the expiration of the redemption period of three years, at public sale with notice, to the highest bidder. The trustee shall have the right to reject any and all bids.

SEC. 9. Section 44800.5 is added to the Water Code, to read:

44800.5. Any parcel of land bid in and purchased by any county treasurer as trustee of the bond fund of the district as provided in this division may, without notice, be sold and conveyed by him or his successor in office at private sale to the owner of record at the date of the certificate of sale or to the owner's successor in interest, upon his paying to such trustee the amount for which the same was struck off to said trustee with interest thereon at the rate of 7 percent per year, compounded yearly, from the date of the delinquent sale, together

with any call that has been made upon any prior or subsequent assessment.

SEC. 10. Section 45102 of the Water Code is amended to read:

45102. Notwithstanding the provisions of Section 45100, whenever in any district (1) a report and recommendation as to a project, or a report as to a contract with the United States, has been adopted by the voters at an election held pursuant to Part 5 (commencing with Section 42200) of this division or Chapter 6 of Part 6 (commencing with Section 44000) of this division, (2) an assessment to finance the project or the contract has been levied and assessed and remains unpaid in whole or in part, and (3) in the judgment of the board it is for the best interest of the district or the landowners therein to issue bonds for the purpose of obtaining money to pay the costs of the project, all or any part of the outstanding principal of direct assessment warrants heretofore or hereafter issued pursuant to Section 46381 for said project, or charges pursuant to the contract, the board may, by a resolution adopted by a two-thirds vote of its members, authorize the issuance of bonds in an amount not exceeding the amount of the assessment remaining unpaid, without calling or holding any special election pursuant to Section 45100 or Chapter 2 (commencing with Section 45250) of this part. The resolution shall be submitted to the commission and shall become effective if and when it is approved by the commission. When any such resolution has been approved by the commission, a copy thereof shall be filed with the county treasurer of each affected county.

The provisions of this section shall apply to all districts, including any district in which a report and recommendation as to a project, or a report as to a contract with the United States, has been adopted at an election held at any time heretofore, and shall apply in the case of any assessment at any time heretofore or hereafter levied and assessed, if the assessment remains unpaid in whole or in part at the time of adoption of the resolution of the board authorizing the issuance of bonds.

SEC. 11. Section 45553 of the Water Code is amended to read:

45553. The bonds or any series thereof shall bear interest at a rate not to exceed 6½ percent per year payable annually or semiannually as may be prescribed by the board at the time of the issuance of the bonds at the office of the treasurer and at any other place within the United States which may be designated by the board, upon the presentation of the proper coupons.

SEC. 12. Section 45555 of the Water Code is amended to read:

45555. The principal of the bonds or any series thereof shall be made payable on such dates, in such years and at such places as the board may prescribe.

SEC. 13. Section 45557 of the Water Code is amended to read:

45557. The bonds shall be in such form as may be prescribed by the board.

SEC. 14. Section 45558 of the Water Code is amended to read:

45558. The interest coupons shall be in such form as may be prescribed by the board.

SEC. 15. Section 45903 of the Water Code is amended to read:

45903. Direct assessment warrants shall bear interest at a rate to be fixed by the board at the time of sale thereof, not to exceed 7 percent per year, which interest may be made payable semiannually.

SEC. 16. Section 46009 of the Water Code is amended to read:

46009. Every preliminary assessment is a lien upon the land affected until the full amount of the assessment is paid. The lien is prior to all other liens, except state, county, and municipal taxes and assessments, or taxes levied or assessed by or under statutory authority. The preliminary assessments shall bear interest at the rate of 7 percent per year and shall be collected in the same manner, together with the same penalties for delinquencies, as other assessments provided for in this division. Interest commences to run 30 days after filing of the assessment roll with the county treasurer of an affected county.

SEC. 17. Section 46155 of the Water Code is amended to read:

46155. The commissioners shall receive from the board a copy of the report with respect to the project adopted by the voters at the election held pursuant to Part 5 (commencing with Section 42200) of this division.

SEC. 18. Section 46225 of the Water Code is amended to read:

46225. In the event objections are filed with respect to a particular assessment roll, as provided in Sections 46206 and 46207, the commission shall appoint two disinterested persons, who together with the president of the board constitute a board in the nature of a board of equalization which shall be known and designated as the "adjustment board" and whose functions shall be to consider and act upon objections presented as provided in this article to the assessment made by the commissioners. Each of the two appointed members of the board shall be paid as compensation for the services rendered by them such sum, or sums, as the commission fixes. The president of the board shall be paid as compensation for his services rendered such sum, or sums, as the board may fix which shall not exceed the compensation fixed by the commission. The compensation and expenses are a part of the cost of the project of the district for which the duties are performed.

SEC. 19. Section 46256 of the Water Code is amended to read:

46256. Three copies of the assessment roll as finally fixed and approved by the adjustment board shall be certified by the secretary of the adjustment board and transmitted to the board of directors. The board of directors shall file one copy in its records and immediately transmit one copy to the commission together with a copy of the order of approval of the assessment roll by the adjustment board and shall immediately transmit to the county treasurer of each affected county that portion of the roll relating to land in such county, together with a copy of the order of approval of the assessment roll by the adjustment board.

SEC. 20. Section 46325 of the Water Code is amended to read:

46325. When any tract of land upon which any assessment provided for by this division has been levied is subdivided into smaller parcels the board shall, upon its own motion or upon written application therefor signed by all of the landowners of record within the subdivided tract, reapportion the assessment upon such tract in such manner as will, in the judgment of the board, charge each of the smaller parcels with a just portion of the assessment. Such reapportionment shall be entered in the minutes of the board and, upon such entry, shall then become final. If an application for reapportionment is signed by less than all of the landowners within the subdivided tract, or if reapportionment is upon motion of the board, the board may make such reapportionment only after a hearing for which notice to all persons interested shall have been given in the manner prescribed by the board.

SEC. 21. Section 46378 of the Water Code is amended to read:

46378. Every interim project assessment is a lien upon the land affected until the full amount of the assessment is paid. The lien is prior to all other liens, except state, county and municipal taxes and assessments, or taxes levied or assessed by or under statutory authority. The interim project assessments shall bear interest at the rate of 7 percent per year and shall be collected in the same manner, together with the same penalties for delinquencies, as other assessments provided for in this division. Interest commences to run 30 days after filing of the assessment roll with the county treasurer of an affected county.

SEC. 22. Section 46382 is added to the Water Code, to read:

46382. If there are no obligations outstanding which are secured by an interim project assessment, the board may, at any time and without notice or hearing, order that the uncalled balance of such interim project assessment be canceled and that the amount of the credit against the original assessment represented by such uncalled balance of said interim

project assessment be annulled for each tract of land in the district. In such event, notwithstanding the provisions of Section 46379, the amount of said original assessment to be collected from each tract of land in the district shall be increased by the amount of the credit that was so annulled; provided, however, said amount shall be decreased by the amount of any payment made on the uncalled balance of said interim project assessment. Interest due on the recomputed collectible amount of said original assessment shall be computed as provided in Section 46671 or 47303 as the case may be.

SEC. 23. Section 46759.5 is added to the Water Code, to read:

46759.5. Except where bonds have been issued upon an assessment, the board of directors may, by resolution filed with the county treasurer of the affected county on or before the time for the sale, order the treasurer to sell all the property to the district for the amount due. Upon receipt of the resolution the treasurer shall, at the time and place of the sale, post a notice that no sale will be held in front of the county courthouse and that the property is sold to the district in accordance with the terms of the resolution.

SEC. 24. Section 46760 of the Water Code is amended to read:

46760. Upon filing of a resolution pursuant to Section 46759.5 or if no bid is made for the property equal to the amount due thereon, the property shall be sold to the district for the amount due.

SEC. 25. Section 46792 of the Water Code is amended to read:

46792. The district may sell property deeded to it for nonpayment of assessments at any time at a public auction after notice given for the same period and in the same manner as provided in Article 4 of this chapter for sale of delinquent assessments. The district shall have the right to reject any or all bids.

SEC. 26.5. Section 47903 of the Water Code is amended to read:

47903. An election pursuant to Section 47902 is effective with respect to all assessments designated by the board to be collected pursuant to the provisions of this article and which were levied or called after February 1, next succeeding the date upon which the certified copy is filed. Thereafter, the assessments designated by the board shall be collected by the tax collectors of the county or counties in which the district is situated until the board, by resolution, elects otherwise. When the board elects otherwise, a certified copy of such resolution shall be filed with the auditor, assessor, tax collector and treasurer of each county within which the district is situated and it is effective, with respect to any assessments levied or called, after February 1, next succeeding the date upon which the certified copy is filed.

SEC. 27. Section 47904 of the Water Code is amended to read:

47904. On or before the third Monday of August, the board shall designate and determine by resolution the percentage of any assessment theretofore levied that shall be called and collected pursuant to this chapter.

SEC. 28. Article 4 (commencing with Section 47980) is added to Chapter 13 of Part 9 of Division 14 of the Water Code, to read:

Article 4. Collection of Tolls and Charges by the County

47980. The district may elect to have the county collect such tolls and charges established pursuant to Section 43006 or 47180 as may be designated by the board. If the district so elects, it shall certify to the county auditor of each affected county on or before the third Monday in August of each year in which the board has elected to have the designated tolls and charges collected by the county, the following information for purposes of such collection:

(a) The total amount estimated to be collected from the entire district.

(b) The assessee parcels and assessee names for each parcel of land in the district against whom the toll or charge has been fixed and the acreage assessed to such person according to the district records and the rate or rates per acre of such toll or charge to be paid by each assessee parcel.

47981. The county auditor shall thereafter add to the tax bills for each assessee and assessee parcel as so certified, in addition to the other charges, such tolls and charges of the district.

47982. The county tax collector and treasurer shall thereupon collect, receive and disperse to the district such tolls and charges as are collected with the regular tax payments to the county. The provisions of Sections 47908 to 47911, inclusive, shall be applicable to any such tolls and charges.

SEC. 29. This act is an urgency statute necessary for the immediate preservation of the peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Several water storage districts are now proceeding with the planning, financing, and construction of irrigation projects to enable them to provide needed water for agriculture in such districts by utilizing the supply which will soon become available from the State of California. In order to facilitate the financing of these projects and to assure their completion as soon as practicable, and to provide for the orderly and equitable administration, and thereby to make provision for the water needed to preserve the health and safety of the citizens residing in the affected areas, it is now necessary to amend the law with respect to bonds, assessments, and administrative provisions of water storage districts, and it is therefore essential that this act go into immediate effect.

CHAPTER 1087

An act to amend Sections 1455, 1526, 1529, 1529.1, 1530, 1531, 1532, 1532.1, 1532.2 and 1533 of, to repeal Section 1456 of, to repeal Articles 2 (commencing with Section 1540) and 4 (commencing with Section 1560) of Chapter 8 of Part 2 of Division 2 of, to add Sections 1535, 1536, 1548, and 1549 to, and to add Article 2 (commencing with Section 1540) to Chapter 8 of Part 2 of Division 2 of, the Water Code, and to amend Section 6103.1 of the Government Code, relating to water rights.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 1455 of the Water Code is amended to read:

1455. The issuance of a permit continues in effect the priority of right as of the date of the application and gives the right to take and use the amount of water specified in the permit until the issuance of a license for the use of the water or until the permit is revoked.

SEC. 2. Section 1456 of the Water Code is repealed.

SEC. 3. Section 1526 of the Water Code is amended to read:

1526. The ten dollar ($10) fee is a minimum fee but shall be a credit to the extent of ten dollars ($10) whenever the fee due totals more than ten dollars ($10) under the schedule provided in this article, and in such case the further fee due shall be the total computed amount less ten dollars ($10).

SEC. 4. Section 1529 of the Water Code is amended to read:

1529. For each cubic foot per second or fractional cubic foot per second of direct diversion from one cubic foot per second to and including 100 cubic feet per second, the fee is at the rate of four dollars ($4) per cubic foot per second.

SEC. 5. Section 1529.1 of the Water Code is amended to read:

1529.1. For each cubic foot per second or fractional cubic foot per second of direct diversion over 100 cubic feet per second to and including 500 cubic feet per second, the fee is at the rate of two dollars ($2) per cubic foot per second.

SEC. 6. Section 1530 of the Water Code is amended to read:

1530. For each cubic foot per second or fractional cubic foot per second of direct diversion from 500 cubic feet per second to and including 2,000 cubic feet per second, the fee is at the rate of one dollar ($1) per cubic foot per second.

SEC. 7. Section 1531 of the Water Code is amended to read:

1531. For each cubic foot per second or fractional cubic foot per second of direct diversion over 2,000 cubic feet per second, the fee is at the rate of twenty-five cents ($0.25) per cubic foot per second.

SEC. 8. Section 1532 of the Water Code is amended to read:

1532. For each acre-foot or fractional acre-foot per annum of storage to and including 1,000 acre-feet per annum, the fee is at the rate of five cents ($0.05) per acre-foot.

SEC. 9. Section 1532.1 of the Water Code is amended to read:

1532.1. For each acre-foot or fractional acre-foot per annum of storage over 1,000 acre-feet per annum to and including 5,000 acre-feet per annum, the fee is at the rate of two cents ($0.02) per acre-foot.

SEC. 10. Section 1532.2 of the Water Code is amended to read:

1532.2. For each acre-foot or fractional acre-foot per annum of storage over 5,000 acre-feet per annum to and including 100,000 acre-feet per annum, the fee is at the rate of one cent ($0.01) per acre-foot.

SEC. 11. Section 1533 of the Water Code is amended to read:

1533. For each acre-foot or fractional acre-foot per annum of storage over 100,000 acre-feet per annum, the fee is at the rate of one-fifth cent ($0.002) per acre-foot.

SEC. 13. Section 1535 is added to the Water Code, to read:

1535. An annual application fee equal to the amount computed by using the schedules in this article shall be paid to the board commencing two years after the filing date of the application or the first anniversary date of the application following December 31, 1969, whichever is later, if the application is not then complete or disposition of the application is then being delayed at the applicant's request and continuing so long as the application remains incomplete or disposition of the application is delayed at the applicant's request. This section does not apply to applications filed pursuant to Section 10500 of this code prior to their assignment by the board.

SEC. 14. Section 1536 is added to the Water Code, to read:

1536. If an annual application fee is not paid when due the board shall notify the applicant by registered mail of the amount due and of the provisions of this section. If the fee is not received by the board within 30 days after the notice has been mailed, the application shall be canceled.

SEC. 15. Article 2 (commencing with Section 1540) of Chapter 8 of Part 2 of Division 2 of the Water Code is repealed.

SEC. 16. Article 2 (commencing with Section 1540) is added to Chapter 8 of Part 2 of Division 2 of the Water Code, to read:

Article 2. Permit Fees

1540. (a) A fee equal to one-half the amount computed by using the schedules in Article 1 (commencing with Section 1525) of this chapter based on the approved application amount shall be paid to the board at the time the permit is issued.

(b) The board shall notify the applicant by registered mail of the amount of the fee which must be paid before issuance of the permit. If the fee is not received by the board within 30 days after the notice has been mailed the application shall be canceled.

(c) The minimum fee shall be ten dollars ($10).

SEC. 17. Section 1548 is added to the Water Code, to read:

1548. Every person filing a petition for a release from priority pursuant to Section 10504 shall pay to the board a fee based upon the schedule contained in Article 1 (commencing with Section 1525) of this chapter as applied to the application in favor of which release from priority is sought, except that no fee is required if an application fee was originally paid on such application.

SEC. 18. Section 1549 is added to the Water Code, to read:

1549. Every person filing a petition for the assignment of a state application pursuant to Section 10504 shall pay a fee based upon the schedules contained in Article 1 (commencing with Section 1525) of this chapter as applied to such application.

SEC. 19. Article 4 (commencing with Section 1560) of Chapter 8 of Part 2 of Division 2 of the Water Code is repealed.

SEC. 20. Section 6103.1 of the Government Code is amended to read:

6103.1. Section 6103 does not apply to:

(a) Any fee or charge for official services required by Parts 2, 3, and 4 of Division 2 of the Water Code.

(b) The fee for traveling in the service or execution of any process or notice as provided by Section 26746 of the Government Code if it is greater than two dollars ($2).

SEC. 21. The State Water Resources Control Board shall recommend to the Legislature, not later than December 1, 1969, a plan for the imposition of annual fees to be charged in connection with permits and licenses to appropriate water.

CHAPTER 1088

An act to add Section 10754 to the Education Code, relating to notification of parents of pupil's progress.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 10754 is added to the Education Code, to read:

10754. The governing board of each school district shall prescribe regulations requiring the evaluation of each pupil's

achievement for each marking period and requiring a conference with, or a written report to, parents of each pupil deemed to be failing not later than the week during which the end of the first half of the instruction for the course falls.

CHAPTER 1089

An act to add Section 13022 to the Penal Code, relating to justifiable homicide.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 13022 is added to the Penal Code, to read:

13022. Each sheriff and chief of police shall annually furnish the bureau, on a form prescribed by the Attorney General, a report of all justifiable homicides committed in his jurisdiction. In cases where both a sheriff and chief of police would be required to report a justifiable homicide under this section, only the chief of police shall report such homicide.

CHAPTER 1090

An act to add Sections 25374 and 25375 to the Government Code, relating to leases of county property.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 25374 is added to the Government Code, to read:

25374. Notwithstanding any other provision of law, the board of supervisors in counties containing a population of 4,000,000 or more may, without advertising for bids, lease any real property owned by a county to any nonprofit corporation or nonprofit association for a term not to exceed 40 years for the purpose of constructing, operating and maintaining buildings, structures and facilities on such property for a medical, dental or postgraduate medical school or a school for undergraduate or postgraduate training in other fields of medical and allied health care. Any instrument by which such property is leased as aforesaid shall require the lessee named in such lease to construct on the leased premises a building or buildings to be used for the public purpose of providing medical or dental instruction or instruction in other fields of medical and allied health care to qualified students

during the term of said lease and shall provide that title to such buildings shall vest in the county or city and county at the expiration of the lease term, and shall contain such other terms and conditions as the board of supervisors may deem to be in the best interests of the county or city and county.

SEC. 2. Section 25375 is added to the Government Code, to read:

25375. In any county containing a population of 4,000,000 or more, the board of supervisors by appropriate rules may provide that nonprofit hospital volunteer groups and hospital auxiliaries recognized by such county may install and operate gift shops within medical and health facilities owned or operated by such county. The board of supervisors may permit the use of such facilities for the purpose provided herein without the necessity of competitive bidding or the charging of a monetary consideration therefor. The net proceeds derived from the operation of a gift shop shall be used solely for the benefit of patients confined within the medical or health facility containing the gift shop.

CHAPTER 1091

An act to amend Sections 11653 and 11657 of, and to add Section 11904 to, and to add Chapter 3 (commencing with Section 11925) to Division 10.5 of, the Health and Safety Code, relating to drugs, including narcotics.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 11653 of the Health and Safety Code is amended to read:

11653. All narcotics that have been seized under this division shall, by order of the court upon the conviction of the owner or defendant, be turned over to the state division for destruction or disposition.

SEC. 2. Section 11657 of the Health and Safety Code is amended to read:

11657. When narcotics or opium pipes have been seized pursuant to this division and the case has been disposed of by way of dismissal or otherwise than by way of conviction, they shall by order of the court, be turned over to the state division, unless the court finds that the narcotics were lawfully possessed by the defendant.

SEC. 3. Section 11904 is added to the Health and Safety Code, to read:

11904. "State division," as used in this division, means the Division of Narcotic Enforcement of the Department of Justice.

SEC. 4. Chapter 3 (commencing with Section 11925) is added to Division 10.5 of the Health and Safety Code, to read:

CHAPTER 3. SEIZURE AND DISPOSITION OF RESTRICTED DANGEROUS DRUGS

11925. Restricted dangerous drugs possessed in violation of this division, may be seized by any peace officer, and in aid of such seizure a search warrant or search warrants may be issued in the manner and form prescribed in the Penal Code.

11925.1. All restricted dangerous drugs that have been seized under this division shall, by order of the court upon the conviction of the owner or defendant, be turned over to the state division for destruction or disposition.

11925.2. Restricted dangerous drugs seized under this division, now in the possession of any city or county official, or of the State Board of Pharmacy, or that may hereafter come into their possession, in which no trial was had, shall be delivered to the state division for destruction or disposition.

No restricted dangerous drugs coming into the possession of the state division as described in this section shall be destroyed within six months from seizure.

11925.3. When restricted dangerous drugs have been seized pursuant to this division and the defendant or owner has escaped from custody and is a fugitive from justice, they shall upon demand of the state division, be turned over to it for safekeeping until such time as the owner or defendant is apprehended and prosecuted for violation of this division.

11925.4. When restricted dangerous drugs have been seized pursuant to this division and the case has been disposed of by way of dismissal or otherwise than by way of conviction, they shall by order of the court, be turned over to the state division, unless the court finds that the restricted dangerous drugs were lawfully possessed by the defendant.

CHAPTER 1092

An act to amend Section 2303 of the Fish and Game Code, relating to domesticated fish.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 29, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 2303 of the Fish and Game Code is amended to read:

2303. Live, domesticated fish may be sold and transported only when accompanied by a permit issued by the department. Fish, other than those being imported under an importation permit, shall be accompanied by a sale and transportation permit issued by the department.

No sale and transportation permit shall be issued unless the fish are consigned to a person having a license or permit under Section 6401, 6454, or 8460, except that such a permit may be issued by the department for the delivery of live, domesticated fish by a licensed domesticated fish breeder to a wholesale fish dealer or processor having a license under Section 8040. Persons licensed under Section 8040 who receive live, domesticated fish shall kill such fish and then shall tag or package the fish as required by Section 8435.

CHAPTER 1093

An act to amend Sections 15951 and 15953 of the Education Code, relating to schools.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 15951 of the Education Code is amended to read:

15951. The governing board of any school district shall let any contracts involving an expenditure of more than two thousand five hundred dollars ($2,500) for work to be done or more than five thousand dollars ($5,000) for materials or supplies to be furnished, sold, or leased to the district, to the lowest responsible bidder who shall give such security as the board requires, or else reject all bids. This section applies to all materials and supplies whether patented or otherwise.

SEC. 2. Section 15953 of the Education Code is amended to read:

15953. In school districts, having an average daily attendance of 1,000 or more, as shown by the annual report of the county superintendent of schools for the preceding school year, the board may secure from responsible bidders at least three estimates of the cost of the work to be done or materials or supplies to be furnished. The estimates shall be secured from bona fide dealers or craftsmen engaged in the business or in handling the goods specified.

Estimates shall be submitted in writing and shall be filed with the clerk or secretary of the board, or with such other officer or employee as the board may designate.

If any of the estimates of the cost of work to be done is less than five thousand dollars ($5,000), or if any of the estimates of the cost of materials or supplies to be furnished is less than eight thousand dollars ($8,000), the board may let a contract for such work or for such materials or supplies, as the case may be, to the lowest responsible bidder without publishing the notice calling for bids.

CHAPTER 1094

An act to amend Section 1684 of the Labor Code, relating to farm labor.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 29, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 1684 of the Labor Code is amended to read:

1684. The Labor Commissioner shall not issue to any person a license to act as a farm labor contractor until:

(a) Such person has executed a written application therefor in a form prescribed by the Labor Commissioner, subscribed and sworn to by such person, accompanied by a filing fee of ten dollars ($10), and containing (1) a statement by such person of all facts required by the Labor Commissioner concerning the applicant's character, competency, responsibility, and the manner and method by which he proposes to conduct his operations as a farm labor contractor if such license is issued, and (2) the names and addresses of all persons, except bona fide employees on stated salaries, financially interested, either as partners, associates or profit sharers, in the proposed operation as a farm labor contractor, together with the amount of their respective interests;

(b) The Labor Commissioner, after investigation, is satisfied as to the character, competency, and responsibility of such person;

(c) Such person has deposited with the Labor Commissioner a surety bond in a penal sum of five thousand dollars ($5,000). Such bond shall be payable to the people of the State of California and shall be conditioned that said farm labor contractor will comply with all the terms and provisions of this chapter and will pay all damages occasioned to any person by failure so to do, or by any violation of the provisions of this chapter, or false statements or misrepresentations made in the procurement of his license; and

(d) Such person has paid to the Labor Commissioner a license fee of seventy-five dollars ($75).

CHAPTER 1095

An act to amend Section 1607 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 29, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 1607 of the Revenue and Taxation Code is amended to read:

1607. (a) A reduction in an assessment on the local roll shall not be made unless the party affected or his agent makes and files with the county board a verified, written application showing the facts claimed to require the reduction and the applicant's opinion of the full cash value of the property.

(b) In the case of a county of the first to ninth class, inclusive, the application shall be filed between July 2 and September 15. An application that is mailed and postmarked September 15 or earlier within such period shall be deemed to have been filed between July 2 and September 15.

(c) In the case of a county other than one described in subdivision (b), the application shall be filed between July 2 and August 26. An application that is mailed and postmarked August 26 or earlier within such period shall be deemed to have been filed between July 2 and August 26.

CHAPTER 1096

An act to amend Section 409.5 of the Penal Code, relating to peace officers.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 409.5 of the Penal Code is amended to read:

409.5. (a) Whenever a menace to the public health or safety is created by a calamity such as flood, storm, fire, earthquake, explosion, accident or other disaster, officers of the California Highway Patrol, police departments or sheriff's office may close the area where the menace exists for the duration thereof by means of ropes, markers or guards to any and all persons not authorized by such officer to enter or remain within the closed area. If such a calamity creates an immediate menace to the public health, the local health officer may close the area where the menace exists pursuant to the conditions which are set forth above in this section.

(b) Officers of the California Highway Patrol, police departments or sheriff's office may close the immediate area surrounding any emergency field command post or any other command post activated for the purpose of abating any calamity enumerated in this section or any riot or other civil disturbance to any and all unauthorized persons pursuant to the conditions which are set forth in this section whether or not such field

command post or other command post is located near to the actual calamity or riot or other civil disturbance.

(c) Any unauthorized person who willfully and knowingly enters an area closed pursuant to subdivision (a) or (b) and who willfully remains within such area after receiving notice to evacuate or leave shall be guilty of a misdemeanor.

(d) Nothing in this section shall prevent a duly authorized representative of any news service, newspaper, or radio or television station or network from entering the areas closed pursuant to this section.

CHAPTER 1097

An act to add Section 24754 to the Education Code, relating to state college property.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 24754 is added to the Education Code, to read:

24754. Notwithstanding any other provision of law, the trustees may rent, lease, sell, or trade the property belonging to the state and used for the San Francisco State College Downtown Center, located at 540 Powell Street, San Francisco, California. All proceeds derived from such renting, leasing, sale, or trade shall be used for the acquisition, construction, improvement, or leasing of a downtown center for San Francisco State College.

CHAPTER 1098

An act to amend Sections 13733 and 13734 of the Education Code, relating to veterans' credits.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 13733 of the Education Code is amended to read:

13733. "Veteran" as used in this article means any person who has served in the United States armed forces in time of war, or national emergency declared by the President of the United States of America, and who has been discharged or released under conditions other than dishonorable, proof of which shall be submitted to the commission at the time of the examination.

"Armed forces" means the United States Air Force, Army, Navy, Marine Corps, or Coast Guard.

SEC. 2. Section 13734 of the Education Code is amended to read:

13734. "Disabled veteran" as used in this article means any veteran, as defined in Section 13733, who is currently declared by the United States Veterans Administration to be 10 percent or more disabled as a result of service in the armed forces. Proof of disability shall be deemed conclusive if it is of record in the United States Veterans Administration.

CHAPTER 1099

An act to amend Sections 1260 and 1267 of, and to add Section 1261.1 to, the Civil Code, relating to homesteads.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 1260 of the Civil Code is amended to read:

1260. Homesteads may be selected and claimed:

1. By any head of a family, of not exceeding fifteen thousand dollars ($15,000) in actual cash value, over and above all liens and encumbrances on the property at the time of any levy of execution thereon.

2. By any person 65 years of age or older, of not exceeding fifteen thousand dollars ($15,000) in actual cash value, over and above all liens and encumbrances on the property at the time of any levy of execution thereon.

3. By any other person, of not exceeding seven thousand five hundred dollars ($7,500) in actual cash value, over and above all liens and encumbrances.

SEC. 2. Section 1261.1 is added to the Civil Code, to read:

1261.1. Whenever a claim of homestead is made pursuant to subdivision 1 or 2 of Section 1260 which includes property previously homesteaded, to the extent that such prior homestead is still valid such new claim of homestead shall not be considered an abandonment of the prior homestead.

SEC. 3. Section 1267 of the Civil Code is amended to read:

1267. The declaration shall contain everything required by the second and third subdivisions of Section 1263, and in addition thereto may contain the statement and affidavit provided for by subdivision 4 of such section, with like effect as therein provided. If the homestead is selected and claimed pursuant to subdivision 2 of Section 1260, the declaration shall also contain a statement that the person making it is 65 years of age or older.

CHAPTER 1100

An act to amend Sections 24503.1, 24529, and 24536 of the Education Code, relating to the State College Revenue Bond Act of 1947.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 29, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 24503.1 of the Education Code is amended to read:

24503.1. The board, with the approval of the State Board of Control, may issue revenue bond anticipation notes, in anticipation of the sale of revenue bonds. Before issuing any such notes, the board shall, by resolution approved by the State Board of Control, authorize their issuance, declare the purpose for which the proceeds of the notes shall be expended and specify the maximum amount of notes to be issued for such purpose.

Revenue bond anticipation notes shall bear interest at such rate or rates as the board may determine, not exceeding 7 percent per annum, payable annually or semiannually, and shall mature on such date or dates as the board may determine and set forth in the resolution authorizing their issuance, but not more than three years from their date.

The proceeds from the sale of notes shall be used only for the purposes for which the proceeds of the sale of bonds may be used in anticipation whereof the notes are issued.

All notes issued, including renewal notes, and the interest thereon shall be payable from the proceeds of the sale of the bonds, the revenues of the project, any appropriations made for that purpose or all such sources, and not otherwise, except that in the event that the sale of the bonds shall not have occurred prior to the maturity of the notes issued in anticipation thereof, the board, with the approval of the State Board of Control, may issue renewal notes in order to pay the notes then maturing. No renewal notes shall be issued after the sale of the bonds in anticipation of which the original note was issued.

Revenue bond anticipation notes may be secured by a pledge of, and lien upon, the proceeds of the sale of bonds, the revenues of the project and any other legally available funds.

A resolution authorizing the issuance of revenue bond anticipation notes may include such provisions as the board deems necessary or advisable for the security of the notes issued thereunder, and may include any and all provisions authorized to be included in indentures by this article.

SEC. 2. Section 24529 of the Education Code is amended to read:

24529. Bonds shall bear interest at a rate of not to exceed 7 percent per annum, payable annually or semiannually or in part annually and in part semiannually.

SEC. 3. Section 24536 of the Education Code is amended to read:

24536. Bonds and notes may be sold at either public or private sale. The board, with the approval of the State Board of Control, may fix terms and conditions for the sale or other disposition of any authorized issue of bonds or notes. The State Treasurer, when authorized by resolution of the board approved by the State Board of Control, may sell bonds and notes at less than their par or face value, but no bond or note may be sold at a price below the par or face value thereof which would result in a sale price yielding to the purchaser an average of more than 7 percent per annum, payable semiannually, according to standard tables of bond values.

CHAPTER 1101

An act to amend Sections 21356 and 21802 of the Vehicle Code, relating to highways.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 21356 of the Vehicle Code is amended to read:

21356. The Department of Public Works or local authorities with respect to highways under their respective jurisdictions, may erect yield-right-of-way signs at the entrances to intersections or highways but such yield-right-of-way signs shall not be erected upon the approaches to more than one of the intersecting streets and shall not be erected at locations where the entering speed may safely exceed 15 miles per hour.

Yield-right-of-way signs shall be located at or near the entrance to the intersection or highway where motorists are required to yield the right-of-way.

SEC. 2. Section 21802 of the Vehicle Code is amended to read:

21802. (a) The driver of any vehicle approaching a stop sign at the entrance to, or within, an intersection shall stop as required by Section 22450 and shall then yield the right-of-way to other vehicles which have approached or are approaching so closely from another roadway as to constitute an immediate hazard and shall continue to yield the right-of-way to such approaching vehicles until such time as he can proceed with reasonable safety.

(b) A driver having so yielded may proceed and the drivers of all other approaching vehicles shall yield the right-of-way to the vehicle entering or crossing the intersection.

(c) This section shall have no application where stop signs are erected upon all approaches to an intersection.

SEC. 3. Section 21356 of the Vehicle Code is amended to read:

21356. (a) The Department of Public Works or local authorities with respect to highways under their respective jurisdictions, may erect yield-right-of-way signs at the entrances to intersections or highways. Such yield-right-of-way signs shall be erected only in conformance with regulations established by the Department of Public Works.

(b) The Department of Public Works shall publish regulations relating to the erection of yield-right-of-way signs by July 1, 1970, and all yield-right-of-way signs in use prior to that date shall be made to conform to such regulations by July 1, 1971.

SEC. 4. It is the intent of the Legislature, if amendments to Section 21356 of the Vehicle Code proposed by both this bill and AB 852 are enacted, that both amendments be given effect and incorporated in Section 21356 in the form set forth in Section 3 of this act. Therefore, in the event AB 852 is enacted and amends Section 21356, Section 3 of this act shall become operative at the same time that Section 21356 as amended by AB 852 becomes operative, and at that time, Section 21356 of the Vehicle Code as amended by Section 1 of this act is repealed.

CHAPTER 1102

An act to amend Sections 11922 and 11933 of the Revenue and Taxation Code, relating to documentary transfer tax.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 11922 of the Revenue and Taxation Code is amended to read:

11922. Any deed, instrument, or writing to which the United States or any agency or instrumentality thereof, any state or territory, or political subdivision thereof, or the District of Columbia is a party shall be exempt from any tax imposed pursuant to this part when the exempt entity of government is acquiring title.

SEC. 2. Section 11933 of the Revenue and Taxation Code is amended to read:

11933. If a county has imposed a tax pursuant to this part, the recorder shall not record any deed, instrument or writing subject to the tax imposed pursuant to this part, unless the tax is paid at the time of recording. A declaration of the amount of tax due, signed by the party determining the tax or his agent, shall appear on the face of the document or on a

separate paper in compliance with Section 11932, and the recorder may rely thereon; provided he has no reason to believe that the full amount of the tax due has not been paid. The declaration shall include a statement that the consideration or value on which the tax due was computed was, or that it was not, exclusive of the value of a lien or encumbrance remaining on the interest or property conveyed at the time of sale. Failure to collect the tax due shall not affect the constructive notice otherwise imparted by recording a deed, instrument or writing.

CHAPTER 1103

An act to amend Section 1085 of the Education Code, relating to driver training.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 29, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 1085 of the Education Code is amended to read:

1085. The governing board of a school district may prescribe regulations determining who can profit by and who shall receive instruction in automobile driver training; provided, however, that no pupil shall be permitted to enroll in automobile driver training unless such pupil is presently enrolled in a course of instruction in automobile driver education, or has satisfactorily completed such course. The regulations shall be subject to such standards for driver education and driver training as may be prescribed by the State Board of Education.

Pupils must be at least 15 years, 6 months of age at the time of completion of a driver training course and not more than 18 years of age at the time they enroll in a driver training course.

CHAPTER 1104

An act to amend Sections 1018, 1085, 5208, 17305, 17405, 18251, 18251.1, 18251.2, 18251.3, 18251.4, 18252, 18252.1, 18252.2, 18252.3, 18252.4, 18252.5, 18253, and 18254 of the Education Code, relating to driver training.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 1018 of the Education Code is amended to read:

1018. The governing board of a school district maintaining a high school or high schools, a county superintendent

of schools, the California Youth Authority, and the State Department of Education who maintain courses in driver education and automobile driver training may insure against any liability arising out of the use of motor vehicles in connection with such courses.

SEC. 2. Section 1085 of the Education Code is amended to read:

1085. The governing board of a school district maintaining a high school or high schools, a county superintendent of schools, and the California Youth Authority and State Department of Education in providing programs of high school education, may prescribe regulations determining who can profit by and who shall receive instruction in automobile driver training; provided, however, that no pupil shall be permitted to enroll in automobile driver training unless such pupil is presently enrolled in a course of instruction in automobile driver education, or has satisfactorily completed such course. The regulations shall be subject to such standards for driver education and driver training as may be prescribed by the State Board of Education. Where driver training is provided, such course of instruction shall be given in one or more of the grades 9, 10, 11, or 12. Pupils shall be at least 15 years and six months of age at the time of completion of a driver training course and not more than 18 years of age when they enroll in a driver training course.

SEC. 3. Section 5208 of the Education Code is amended to read:

5208. The governing board of any school district maintaining a high school or high schools, a county superintendent of schools, the California Youth Authority, and the State Department of Education authorized to maintain automobile driver training classes may maintain such classes on Saturday, and during summer, Christmas, and Easter vacations when schools are not in session.

SEC. 4. Section 17305 of the Education Code is amended to read:

17305. (a) There is appropriated annually from the Driver Training Penalty Assessment Fund to the General Fund in the State Treasury and from the General Fund to the department a sum as necessary to establish and maintain a unit for driver instruction within the Department of Education as set forth in Division 7 (commencing with Section 7501) of this code.

(b) In addition, subject to the provisions of Section 17305.5, there shall be provided from the General Fund to the State School Fund in each fiscal year such sum as the Superintendent of Public Instruction shall certify as necessary to reimburse school districts, county superintendents of schools, the California Youth Authority and the State Department of Education for the actual cost of instructing pupils in the operation of motor vehicles.

The amount shall not exceed fifty dollars ($50) per pupil instructed in automobile driver training in accordance with the rules and regulations of the State Board of Education.

(c) Subject to the provisions of Section 17305.5, there shall also be provided the sum the Superintendent of Public Instruction shall certify as necessary to reimburse school districts, county superintendents of schools, the California Youth Authority and the State Department of Education for the actual cost of replacing vehicles and simulators used exclusively in automobile driver training programs, but the amount shall not exceed three-fourths of that part of the actual cost of instructing pupils in automobile driver training during the preceding fiscal year which was: (1) in excess of fifty dollars ($50) per pupil instructed, and (2) expended by the district, the county superintendent of schools, the California Youth Authority and the State Department of Education in replacing such vehicles and simulators. Reimbursement for vehicles shall be computed for only that portion of the total mileage used exclusively in driver training programs.

(d) For purposes of computing reimbursement, whenever a school district, a county superintendent of schools, the California Youth Authority, or the State Department of Education replaces a driver training vehicle or simulator purchased by the district with a vehicle or simulator that is a gift or loan, the purchase price of such new or acquired equipment shall be deemed to be the market value of the vehicle or simulator acquired through a gift or loan.

A simulator is any automobile driver training device approved by the Department of Education to be used in classrooms for purposes of driver training instruction under simulated driving conditions.

SEC. 5. Section 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:

(a) 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, and Sections 18301 to 18307, inclusive, and

(b) To each school district maintaining a high school or high schools, each county superintendent of schools, the California Youth Authority and the State Department of Education the total of amounts allowed to them under Sections 18251 to 18255, inclusive.

This apportionment shall be called the special purpose apportionment.

SEC. 6. Section 18251 of the Education Code is amended to read:

18251. The Superintendent of Public Instruction shall allow to each school district maintaining a high school or high schools, county superintendent of schools, the California

Youth Authority and the State Department of Education an amount equal to the actual cost, but not in excess of fifty dollars ($50) per pupil instructed in automobile driver training during the preceding fiscal year in accordance with Sections 18251.2 and 18252 and with regulations set forth by the State Board of Education to such districts, county superintendents of schools, the California Youth Authority and the State Department of Education for instructing pupils in automobile driver training.

SEC. 7. Section 18251.1 of the Education Code is amended to read:

18251.1. The governing board of each school district maintaining a high school or high schools, each county superintendent of schools, the California Youth Authority, and the State Department of Education shall report annually to the county superintendent of schools and to the Superintendent of Public Instruction on forms provided by the Superintendent of Public Instruction, the cost of instructing such pupils, and such other information as may be required for the computation of the excess cost incurred in the instruction of the pupils in automobile driver training.

SEC. 8. Section 18251.2 of the Education Code is amended to read:

18251.2. Allowances by the Superintendent of Public Instruction shall be made only for driver training classes maintained in accordance with the rules and regulations as set forth by the State Board of Education.

Driver training shall be available without tuition to all eligible students commencing on July 1, 1969. The governing board of a district maintaining a high school or high schools, the county superintendent of schools, the California Youth Authority, and the State Department of Education may make driver training available during school hours, or at other times, or any combination thereof.

SEC. 9. Section 18251.3 of the Education Code is amended to read:

18251.3. The Superintendent of Public Instruction shall determine the amount of excess cost incurred by each school district, each county superintendent of schools, the California Youth Authority, and the State Department of Education during the preceding fiscal year for the establishment and maintenance of automobile driver training for pupils enrolled in the schools of the district, the county superintendent of schools, the California Youth Authority, and the State Department of Education in accordance with such regulations as he may prescribe.

"Excess cost," as used in this section, includes the total current expenditures incurred for instructing pupils in automobile driver training in special classes, including, but not limited to, automobile replacement, insurance, upkeep and maintenance of automobiles used in such training.

"Special classes," as used in this section, includes classes providing automobile driver training for pupils who may be excused, for the purpose of taking instruction in automobile driver training.

SEC. 10. Section 18251.4 of the Education Code is amended to read:

18251.4. The Superintendent of Public Instruction shall promote and direct the establishment and maintenance of courses of instruction in automobile driver education and driver training in the public schools. For that purpose, he shall employ such professional and other personnel as are necessary to give full effect to this article. The Superintendent of Public Instruction is authorized to establish a unit within the Department of Education to be comprised of an administrative head, and such consultants and clerical employees as are needed, to provide supervisory and consulting services, to promote and implement this article. The duties assigned to this unit shall include, but shall not be limited to, the preparation of courses of study, consultation services for local school districts, county superintendents of schools, the California Youth Authority, and the State Department of Education, and general supervision of the program pertaining to minimum standards of course content and teacher preparation. All necessary costs and expenses incurred by such a unit or professional and clerical personnel in performance of their duties under this code shall be reimbursed from the Driver Training Penalty Assessment Fund.

There is hereby appropriated from the Driver Training Penalty Assessment Fund to the General Fund in the State Treasury and from the General Fund to the Department of Education the sum of eighty-one thousand dollars ($81,000) for purposes of this section, for the fiscal year 1967–1968. In subsequent fiscal years support for the unit shall be provided from such funds as may be appropriated therefor by the Legislature.

SEC. 11. Section 18252 of the Education Code is amended to read:

18252. No allowance shall be made under this article (commencing at Section 18251) for the instruction of pupils in automobile driver training unless the school district, the county superintendent of schools, the California Youth Authority, and the State Department of Education has complied with the rules and regulations of the State Board of Education governing the establishment, conduct, and scope of automobile driver education and driver training.

SEC. 12. Section 18252.1 of the Education Code is amended to read:

18252.1. In applying for state reimbursement for driver training expenses incurred in the school year 1968–69 and thereafter, school districts, county superintendents of schools, the California Youth Authority, and the State Department of

Education shall certify to having met the requirements set forth in this article and, in addition, shall certify that all teachers used in the driver education or driver training programs:

(1) Have satisfactorily completed a minimum of six semester hours of course work in public safety and accident prevention and in driver education and training in an institution of higher education approved for teacher preparation or,

(2) Have had equivalent instruction approved by the department or hold a statement of approval from the department to teach driver education, driver training, or both. The approval from the department is not renewable after the first year unless the teacher presents evidence to the department of having made progress toward completing the course work required in order to teach driver education and training.

SEC. 13. Section 18252.2 of the Education Code is amended to read:

18252.2. A qualified instructor is one who has met the requirements prescribed by Section 18252.1 and holds the general secondary credential, the special secondary credential in public safety and accident prevention including driver education and driver training, a standard designated subjects teaching credential in public safety and accident prevention including driver education and driver training, or a standard teaching credential with specialization in secondary teaching with a major or minor preparing the holder for the teaching of driver education and driver training.

The Department of Motor Vehicles shall notify the school district maintaining a high school or high schools, the county superintendent of schools or the California Youth Authority as the case may be, and the State Department of Education in any instance, immediately upon suspension or revocation of a driver instruction teacher's driver's license. The Department of Education and the Department of Motor Vehicles shall jointly determine the details regarding procedures for notification. No reimbursements shall be provided to a school district, a county superintendent of schools, the California Youth Authority, or the State Department of Education for students taught by an instructor while his driver's license is suspended or revoked following notification to the school district, the county superintendent of schools, the California Youth Authority, or the State Department of Education, as the case may be, of such suspension or revocation.

SEC. 14. Section 18252.3 of the Education Code is amended to read:

18252.3. A course of instruction in automobile driver education shall:

(a) Be of at least $2\frac{1}{2}$ semester periods and shall be taught by a qualified instructor;

(b) Provide the opportunity for students to take driver education within the regular schoolday, and within the regular academic year, as defined in Section 5554. Additional

classes may be offered at the discretion of the local school district governing board, the county superintendent of schools, California Youth Authority, and the State Department of Education to accommodate those who have failed or those who cannot otherwise enroll in the regular schoolday program. For purposes of this section, the regular schoolday shall be that time during which classes are maintained in the courses of instruction provided for in Division 7 (commencing with Section 7501) of this code;

(c) Be completed by the student within the academic year or summer session in which it was begun; and

(d) Provide for a teacher-pupil ratio in accordance with that established by the school district, the county superintendent of schools, the California Youth Authority, and the State Department of Education for classes in courses of instruction provided for in Division 7 (commencing with Section 7501) of this code.

SEC. 15. Section 18252.4 of the Education Code is amended to read:

18252.4. A course of instruction in automobile driver training shall include, for each student enrolled in the class, instruction under one of the following plans:

(a) Plan One. A minimum of 12 hours allocated as follows:

(1) A minimum of six hours of behind-the-wheel practice driving instruction in a dual-control automobile with a qualified instructor.

(2) From 6 to 18 additional hours in a dual-control automobile with a qualified instructor for the purposes of observation, or practice driving on an off-street driving range under the supervision of a qualified instructor may be substituted for all or part of the observation time.

(b) Plan Two. A minimum of 24 hours allocated as follows:

(1) Three hours of behind-the-wheel practice driving instruction in a dual-control automobile with a qualified instructor.

(2) Six hours in a dual-control automobile with a qualified instructor for the purposes of observation, or practice driving on an off-street range under the supervision of a qualified instructor may be substituted for all or part of the observation time.

(3) Twelve hours of instruction by a qualified instructor in a driving simulator approved by the department. Any deviation from the standard use of a simulator must have prior approval by the Division of Instruction before the school district, county superintendent of schools, the California Youth Authority, or the State Department of Education can be reimbursed for the students trained.

(4) At least three additional hours of instruction specified in one or more of the subdivisions 1 through 3.

For purposes of this section, one hour means 60 minutes including passing time.

SEC. 16. Section 18252.5 of the Education Code is amended to read:

18252.5. No teacher of automobile driver training or automobile driver education shall be assigned, as part of his regular schedule, to teach classes exceeding in number the maximum of the class teaching assignments regularly scheduled for teachers of the district maintaining a high school or high schools, the county superintendent of schools, the California Youth Authority and the State Department of Education in classes in the courses of instruction provided for in Division 7 (commencing with Section 7501) of this code.

SEC. 17. Section 18253 of the Education Code is amended to read:

18253. The Superintendent of Public Instruction shall make an additional allowance to each school district maintaining a high school or high schools, each county superintendent of schools, the California Youth Authority, and the State Department of Education as reimbursement for the actual expense of replacing vehicles used exclusively in automobile driver training programs and of replacing simulators used in such programs, but the amount shall not exceed three-fourths of that part of the actual cost of instructing pupils in automobile driver training during the preceding fiscal year which was: (1) in excess of fifty dollars ($50) per pupil instructed, and (2) expended by the district, the county superintendent of schools, California Youth Authority, or State Department of Education replacing such vehicles and simulators. Reimbursement for vehicles shall be computed for only that portion of the total mileage used exclusively in driver training programs.

For purposes of computing reimbursement, whenever a school district, a county superintendent of schools, the California Youth Authority, or the State Department of Education replaces a driver training vehicle or simulator purchased by the district, the county superintendent of schools, California Youth Authority or State Department of Education with a vehicle or simulator that is a gift or loan, the purchase price of such new or acquired equipment shall be deemed to be the market value of the vehicle or simulator acquired through a gift or loan.

SEC. 18. Section 18254 of the Education Code is amended to read:

18254. The allowances made to the several school districts and county superintendents of schools, and to the California Youth Authority and State Department of Education under Sections 18251 and 18253 shall, when the Superintendent of Public Instruction determines that the funds credited to the Driver Training Penalty Assessment Fund during the preceding fiscal year will be insufficient to provide the full amounts otherwise allowable, be proportionately reduced.

CHAPTER 1105

An act to amend the heading of Article 6 (commencing with Section 56251) of Chapter 7 of Division 20 of, Sections 56443 and 56444 of, and to add Sections 56252, 56253, 56254, and 56451 to, the Agricultural Code, relating to agriculture.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 29, 1969]

The people of the State of California do enact as follows:

SECTION 1. The heading of Article 6 (commencing with Section 56251) of Chapter 7 of Division 20 of the Agricultural Code is amended to read:

Article 6. Financing Charges and Financial Statements

SEC. 2. Section 56252 is added to the Agricultural Code, to read:

56252. In addition to the other requirements of this chapter, each application for a commission merchant, or dealer's license, or for the renewal of any such license, shall include a true and correct current financial statement of the applicant. Such financial statement, if not prepared by a certified public accountant or a public accountant, shall be on a form prescribed by the director and shall be submitted under penalty of perjury.

SEC. 3. Section 56253 is added to the Agricultural Code, to read:

56253. If at any time the director has cause or reason to believe that any licensed commission merchant, or dealer is in an unsound financial condition so as to impair his ability to pay consignor-creditors or producer-creditors in full for farm products received or handled, he may require such licensee to file with him a current financial statement which shows the true and correct financial condition of such licensee. Such financial statement if not prepared by a certified public accountant or a public accountant shall be on a form prescribed by the director and shall be submitted under penalty of perjury. Failure of any licensee to file a financial statement as required by this section shall be sufficient grounds for revocation of the license of such licensee.

SEC. 4. Section 56254 is added to the Agricultural Code, to read:

56254. Any financial statement submitted to the director pursuant to the provisions of this article is confidential and shall not be divulged except if necessary for the proper determination of any court proceedings or hearing before the director.

SEC. 4.5. Section 56443 of the Agricultural Code is amended to read:

56443. If a producer-consignor or seller of any farm product fails to obtain settlement satisfactory to him in any transaction after having notified the consignee, or buyer, a verified complaint may be filed with the director who shall notify the person against whom the complaint has been filed and undertake to effect a settlement. If he fails to effect such a settlement, he shall call a hearing as provided for in this article.

SEC. 5. Section 56444 of the Agricultural Code is amended to read:

56444. Upon the calling of a hearing on such a verified complaint, the director shall cause a copy of it, together with a notice of the time and place of hearing of such complaint to be served personally or by mail upon each person that is named as a respondent in the verified complaint. Such service shall be made at least 10 days before the hearing.

SEC. 6. Section 56451 is added to the Agricultural Code, to read:

56451. Any verified complaint filed with the director pursuant to this chapter shall be filed not later than one year after the date of the last transaction covered by the verified complaint.

CHAPTER 1106

An act to amend Sections 23804 and 23805 of the Education Code, relating to state colleges.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 23804 of the Education Code is amended to read:

23804. The trustees may provide for the construction of a building to serve as a student body center to be financed entirely or in part by fees required of students as authorized in Section 23805 pursuant to the provisions of the State College Revenue Bond Act of 1947.

SEC. 2. Section 23805 of the Education Code is amended to read:

23805. Upon the favorable vote of two-thirds of the students voting in an election held for the purpose at a state college, in such manner as the trustees shall prescribe, and open to all regular students enrolled in such college, the trustees are authorized to fix, in addition to any other student fee the trustees are authorized to fix, a building and operating fee not to exceed twenty dollars ($20) per student per academic year which shall be required of all students attending the college. All money collected by a state college under this section shall be available for financing, operating and con-

structing the student body center, and until so used, shall, subject to the approval of the trustees, be deposited or invested in one or more of the following ways:

(a) Deposits in a bank or banks whose accounts are insured by the Federal Deposit Insurance Corporation; provided, that any money so deposited shall be in an account or accounts fully covered by such insurance.

(b) Investment certificates or withdrawable shares in state-chartered savings and loan associations and savings accounts of federal savings and loan associations; provided such associations are doing business in this state and have their accounts insured by the Federal Savings and Loan Insurance Corporation; and provided further that any money so invested or deposited is invested or deposited in certificates, shares, or accounts fully covered by such insurance.

(c) Purchase of any of the securities authorized for investment by Section 16430 of the Government Code.

CHAPTER 1107

An act to repeal Article 9 (commencing with Section 6201) of Chapter 6, Chapter 10.5 (commencing with Section 6971), Article 3 (commencing with Section 6990) of Chapter 10.5 of Division 6 of the Education Code, as proposed to be added by Senate Bill No. 338, Chapter 11 (commencing with Section 7001), and Chapter 11.5 (commencing with Section 7041) of Division 6 of, to repeal Article 4 (commencing with Section 18751) of Chapter 4, Division 14 of, and to repeal Section 25610 of, the Education Code, to repeal Chapter 11 (commencing with Section 6900) of Division 7, Title 1 of the Government Code, to amend Sections 135 and 605.5 of the Unemployment Insurance Code, and to add Division 10 (commencing with Section 19000) to, and to repeal Section 7000.1, Chapter 4 (commencing with Section 8150) of Division 8 as added by Chapter 1667 of the Statutes of 1967, and Article 3 (commencing with Section 18700), Article 4 (commencing with Section 18750), Article 5 (commencing with Section 18800), Article 6 (commencing with Section 18820), Article 7 (commencing with Section 18840), Article 8 (commencing with Section 18850), Article 9 (commencing with Section 18870), of Chapter 9 of Part 6, Division 9 of, the Welfare and Institutions Code, relating to the Department of Rehabilitation.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Article 9 (commencing with Section 6201) of Chapter 6, Division 6 of the Education Code is repealed.

SEC. 2. Chapter 10.5 (commencing with Section 6971) of Division 6 of the Education Code is repealed.

SEC. 2.5. Article 3 (commencing with Section 6990) of Chapter 10.5 of Division 6 of the Education Code as proposed to be added by Senate Bill No. 338 is repealed on January 1, 1970.

SEC. 3. Chapter 11 (commencing with Section 7001) of Division 6 of the Education Code is repealed.

SEC. 4. Chapter 11.5 (commencing with Section 7041) of Division 6 of the Education Code is repealed.

SEC. 5. Article 4 (commencing with Section 18751) of Chapter 4, Division 14 of the Education Code is repealed.

SEC. 6. Section 25610 of the Education Code is repealed.

SEC. 7. Chapter 11 (commencing with Section 6900) of Division 7, Title 1 of the Government Code is repealed.

SEC. 7.3. Section 135 of the Unemployment Insurance Code is amended to read:

135. "Employing unit," means any individual or type of organization, including, but not limited to, a joint venture, partnership, association, trust, estate, joint stock company, insurance company, corporation whether domestic or foreign, public housing administration agency, whether operated by state or local governmental subdivisions, the State of California with respect to service performed by a blind individual and an otherwise handicapped individual in connection with his employment pursuant to Section 605.5, any instrumentality of the United States required to make payments under this division, and the receiver, trustee in bankruptcy, trustee or successor thereof, and the legal representative of a deceased person, which has, or subsequent to January 1, 1936, had, in its employ one or more individuals performing services for it within this state. All individuals performing services within this state for any employing unit which maintains two or more separate establishments within this state shall be deemed to be employed by a single employing unit for all the purposes of this division.

SEC. 7.5. Section 605.5 of the Unemployment Insurance Code is amended to read:

605.5. (a) "Employment" includes all services performed by blind individuals and otherwise handicapped individuals, who do not hold a civil service or permanent tenure positions, in connection with their employment by the State of California for work in the California Industries for the Blind.

(b) For the purposes of this division, the Department of Rehabilitation shall be considered the employer of persons performing the services described in subdivision (a) of this section.

(c) The employer and worker contributions, penalties and interest required of the state for services performed under this section shall be paid from the California Industries for

the Blind Manufacturing Fund. The State Controller shall determine quarterly the amount of employer and withheld worker contributions, penalties and interest required and shall issue a warrant for such amount which shall be transmitted to the Director of Employment by the Department of Rehabilitation pursuant to this division.

(d) The director may require from the State Controller and the Department of Rehabilitation such employment, financial, statistical or other information and reports as may be deemed necessary by the director to carry out his duties under this section. Such information and reports shall be filed with the director at the time and in the manner prescribed by the director.

(e) The director may tabulate and publish information obtained pursuant to this section in statistical form and may divulge the name of the state agency.

(f) The State Controller and the Department of Rehabilitation shall keep such work records as may be prescribed by the director for the proper administration of this section.

(g) Except as inconsistent with the provisions of this section, the provisions of this division and authorized regulations shall apply.

SEC. 8. Section 7000.1 of the Welfare and Institutions Code is repealed.

SEC. 9. Chapter 4 (commencing with Section 8150) of Division 8 of the Welfare and Institutions Code as added by Chapter 1667 of the Statutes of 1967 is repealed.

SEC. 10. Article 3 (commencing with Section 18700) of Chapter 9 of Part 6 of Division 9 of the Welfare and Institutions Code is repealed.

SEC. 11. Article 4 (commencing with Section 18750) of Chapter 9 of Part 6 of Division 9 of the Welfare and Institutions Code is repealed.

SEC. 12. Article 5 (commencing with Section 18800) of Chapter 9 of Part 6 of Division 9 of the Welfare and Institutions Code is repealed.

SEC. 13. Article 6 (commencing with Section 18820) of Chapter 9 of Part 6 of Division 9 of the Welfare and Institutions Code is repealed.

SEC. 14. Article 7 (commencing with Section 18840) of Chapter 9 of Part 6 of Division 9 of the Welfare and Institutions Code is repealed.

SEC. 15. Article 8 (commencing with Section 18850) of Chapter 9 of Part 6 of Division 9 of the Welfare and Institutions Code is repealed.

SEC. 16. Article 9 (commencing with Section 18870) of Chapter 9 of Part 6 of Division 9 of the Welfare and Institutions Code is repealed.

SEC. 17. Division 10 (commencing with Section 19000) is added to the Welfare and Institutions Code, to read:

DIVISION 10. STATE DEPARTMENT OF REHABILITATION

PART 1. GENERAL PROVISIONS

CHAPTER 1. POWERS AND DUTIES

19000. It is the public policy of the State of California to assist and encourage handicapped individuals to attain their maximum usefulness and self-sufficiency and make adequate provision for such services as will enable them to prepare for and engage in gainful employment in order that they may make their full contribution to society.

This policy should be carried out by strengthening the existing program of vocational rehabilitation, consolidating the basic rehabilitative services in a Department of Rehabilitation, placing emphasis upon the need for maximum efficient utilization of state services, strengthening and developing services where needed, and promoting effective coordination of all public and private agencies serving the handicapped.

19001. There is in the Human Relations Agency the Department of Rehabilitation.

19002. The Department of Rehabilitation is under the control of an officer known as the Director of Rehabilitation. As used in this division "department" and "director" refer to the Department of Rehabilitation and the Director of Rehabilitation, respectively, unless the context otherwise requires.

19003. The director is appointed by the Governor, subject to confirmation by the Senate, and holds office at the pleasure of the Governor. The annual salary of the director is provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code. The director is a member of the Governor's Council.

19004. The provisions of Chapter 2 (commencing with Section 11150), Part 1, Division 3, Title 2 of the Government Code apply to the director and the director is the head of a department within the meaning of the chapter

19005. The department is vested with all necessary powers and authority to cooperate with the government of the United States or any agency or agencies thereof in the administration of any act of Congress relating to rehabilitation of the handicapped.

19006. The department may adopt, amend, or repeal, in accordance with the provisions of the Administrative Procedure Act, such rules and regulations as may be reasonably necessary to enable it to carry out its duties and powers.

19007. The director may, with the approval of the Director of Finance, accept on behalf of, and in the name of, the state such gifts, donations, bequests, and devises as may be made to the department or to any school or other institution administered by the director or the department which in his

judgment would be of benefit to the state and, if made to a school or other institution, would be of benefit to the school or other institution. Gifts, donations, bequests, and devises may be made subject to such conditions or restrictions as the director may deem advisable.

19008. The department may utilize funds made available from appropriations by Congress, by gifts or grants from private sources or by state appropriations, or both, or by transfer of funds from other state departments subject to usual budgetary controls for the purpose of establishing and operating halfway houses, resident centers, or other rehabilitation facilities, or of cooperating with other public or private agencies for this purpose.

19009. No period of residence in this state is required for participation in any program administered by the department, except as required by federal law or regulations.

19010. Pursuant to agreements the department shall cooperate with the federal government in carrying out the purposes of any federal statutes pertaining to the purposes of this division and may adopt such methods of administration found necessary by the federal government for the proper and efficient operation of such agreements or plans for vocational rehabilitation and may comply with such conditions as may be necessary to secure the full benefits of such federal statutes.

19011. The people of the state accept the provisions and benefits of the act of Congress entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, and as the same has been amended.

19012. In accepting the provisions and benefits of the act of Congress referred to in Section 19011, the people of the state agree to observe and comply with all of its requirements.

19013. The department may cooperate with other departments, agencies, and institutions, both public and private, in providing the services authorized by this division to impaired individuals, in studying the problems involved therein, and in establishing, developing, and providing, in conformity with the purposes of this division, such programs, facilities, and services as may be necessary or desirable.

The department may cooperate with the State Department of Education to provide instruction for physically handicapped minors and to provide individual counseling and guidance in social and vocational matters for physically handicapped and mentally retarded minors under the provisions of Sections 6812, 6818, and 6912.5 of the Education Code.

The department may cooperate with the governing board or boards of one or more school districts to employ a special coordinator to assist in the vocational adjustment of physically and mentally handicapped minors.

19014. The Department of Rehabilitation and the Department of Industrial Welfare shall formulate a plan of cooperation for the referral and rehabilitation of persons in industry.

19015. The department may enter into reciprocal agreements with other states to provide for the services authorized by this division to residents of the state concerned.

19016. The department may prepare and promulgate regulations and statements of policy governing the protection of records and confidential information, the manner and form of filing applications, eligibility and investigation and determination thereof, for vocational rehabilitation services, procedure for fair hearings and such other regulations and policies as are found necessary to carry out the purposes of this division.

19017. The department may conduct research and compile statistics relating to the provision of services or the need of services by impaired individuals.

19018. Vocational rehabilitation services may only be provided any disabled individual who is of employable age or may be expected to be of employable age upon completion of rehabilitation services and for whom it has been determined vocational rehabilitation may be satisfactorily achieved.

Financial need shall be considered in the furnishing or denial of rehabilitation services in accordance with the Federal Vocational Rehabilitation Act and regulations adopted thereunder.

CHAPTER 2. VOCATIONAL REHABILITATION FEDERAL FUND

19075. The Vocational Rehabilitation Federal Fund in the State Treasury is hereby created. All grants of money received by this state from the United States, the expenditure of which is administered under the provisions of Sections 19011 to 19013, inclusive, shall, on order of the State Controller, be deposited in the Vocational Rehabilitation Federal Fund.

19076. The State Treasurer, as required by the federal act relating to vocational rehabilitation referred to in Section 19012 shall receive and provide for the proper custody of all funds apportioned to the state under that act.

19077. The State Treasurer shall also receive and provide for the proper custody of all money appropriated by this chapter (commencing with Section 19075), of all money that may be hereafter appropriated for the purpose of carrying out the provisions of this chapter, and of all money that may be received by the department under the provisions of this chapter.

19078. Money in the Vocational Rehabilitation Federal Fund shall be expended as provided by this chapter, as requisitioned by the department in carrying out the provisions of this code and the federal act relating to vocational rehabilitation.

19079. All money in the Vocational Rehabilitation Federal Fund is hereby appropriated to the department without regard to fiscal years, for expenditure for the purposes for which the money deposited therein is made available by the United States for expenditure by the state.

19080. The State Controller may approve any general plan whereby:

(a) Any expenditures which are a proper charge against money made available by the United States and deposited in the Vocational Rehabilitation Federal Fund may be paid in the first instance from any appropriation from the General Fund, expenditures from which are administered under the provisions of Sections 19010 to 19012, inclusive; and

(b) The General Fund shall be reimbursed for expenditures made therefrom that are a proper charge against the Vocational Rehabilitation Federal Fund.

Such a general plan may provide for advance transfers from the Vocational Rehabilitation Federal Fund to the General Fund, based on estimates of such expenditures that will be subject to reimbursement from the Vocational Rehabilitation Federal Fund pursuant to such plan, and may provide for reimbursements to the Vocational Rehabilitation Federal Fund, when necessary.

Requests for reimbursement or transfer pursuant to such a plan shall be furnished to the State Controller in writing by the department, accompanied by such financial statements as the plan may provide. On order of the State Controller, the required amount shall be transferred in accordance therewith.

PART 2. REHABILITATION SERVICES, PROGRAMS, AND FACILITIES

CHAPTER 1. GENERAL PROVISIONS

19100. The department shall provide the services defined and authorized by this part to the physically or mentally impaired who are found to be eligible therefor.

CHAPTER 2. DEFINITIONS

19150. (1) The term "vocational rehabilitation services" means the following services:

(a) Evaluation, including diagnostic and related services, incidental to the determination of eligibility for and the nature and scope of services to be provided;

(b) Counseling, guidance, and placement services for handicapped individuals, including followup services to assist such individuals to maintain their employment;

(c) Training services for handicapped individuals, which shall include personal and vocational adjustment, books, and other training materials;

(d) Reader services for the blind and interpreter services for the deaf; and

(e) Recruitment and training services for handicapped individuals to provide them with new employment opportunities in the fields of rehabilitation, health, welfare, public safety, and law enforcement, and other appropriate service employment.

(2) Such term also includes, after full consideration of eligibility for any similar benefit the following services and goods provided to, or for the benefit of, a handicapped individual:

(a) Physical restoration services, including, but not limited to (i) corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition which is stable or slowly progressive and constitutes a substantial barrier to employment, but is of such nature that such correction or modification may reasonably be expected to eliminate or substantially reduce the handicap within a reasonable length of time, (ii) necessary hospitalization in connection with surgery or treatment, (iii) prosthetic and orthotic devices, (iv) eyeglasses and visual services as prescribed by a physician skilled in the diseases of the eye or by an optometrist;

(b) Maintenance, not exceeding the estimated cost of subsistence, during rehabilitation;

(c) Occupational licenses, tools, equipment, and initial stocks and supplies;

(d) In the case of any type of small business operated by the severely handicapped the operation of which can be improved by management services and supervision provided by the department the provision of such services and supervision, alone or together with the acquisition by the department of vending stands or other equipment and initial stocks and supplies;

(e) The provision of other facilities and services which promise to contribute substantially to the rehabilitation of a group of individuals but which are not related directly to the rehabilitation plan of any one handicapped individual;

(f) Transportation in connection with the rendering of any other vocational rehabilitation service;

(g) Any other goods and services necessary to render a handicapped individual employable;

(h) Services to the families of handicapped individuals when such services will contribute substantially to the rehabilitation of such individuals.

19151 The term "handicapped individual" means any individual who is under a physical or mental disability which constitutes a substantial handicap to employment, but which is of such a nature that vocational rehabilitation services may reasonably be expected to render him fit to engage in a gainful occupation: except that nothing in the preceding provisions of this section or Section 19150 shall be construed to

exclude from "vocational rehabilitation services" any goods or services provided to an individual who is under a physical or mental disability which constitutes a substantial handicap to employment, and which are provided for the purpose of, ascertaining whether it may reasonably be expected that such individual will be rendered fit to engage in a remunerative occupation through the provision of goods and services described in Section 19150. These goods or services shall be provided to him during such period only if they constitute "vocational rehabilitation services" if his disability were of such a nature that he would be a "handicapped individual" under such preceding provisions of this section.

19152. The term "rehabilitation facility" means a facility which is operated for the primary purpose of providing vocational rehabilitation services to, or gainful employment for, handicapped individuals, or for providing evaluation and work adjustment services for disadvantaged individuals, and which provides singly or in combination one or more of the following services for handicapped individuals: (1) comprehensive rehabilitation services which shall include, under one management, medical, psychological, social, and vocational services, (2) testing, fitting, or training in the use of prosthetic and orthotic devices, (3) prevocational conditioning or recreational therapy, (4) physical and occupational therapy, (5) speech and hearing pathology, (6) psychological and social services, (7) evaluation, (8) personal and work adjustment, (9) vocational training (in combination with other rehabilitation services), (10) evaluation or control of special disabilities, and (11) extended employment for the severely handicapped who cannot be readily absorbed in the competitive labor market; but all medical and related health services must be prescribed by, or under the formal supervision of, persons licensed to practice medicine or surgery in the state.

19153. The term, "blind person" means either a person who has not more than 20/200 central visual acuity in the better eye after correction, or a person who has visual acuity greater than 20/200 but with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees. Such blindness shall be certified by a licensed physician and surgeon who specializes in diseases of the eye.

19154. Establishment of a rehabilitation facility means (1) the expansion, remodeling, or alteration of existing buildings necessary to adapt them to rehabilitation facility purposes or to increase their effectiveness for such purposes (subject, however, to such limitations as the director may, by regulation, prescribe in order to prevent impairment of the objectives of, or duplication of, other laws providing assistance in the construction of such facilities), (2) initial equipment of such buildings, and (3) the initial staffing thereof (for a period not to exceed four years and three months).

CHAPTER 3. DEAF PERSONS

19200. The department is authorized to pay, from funds made available for such purpose, expenses of any deaf student attending Gallaudet College at Washington, D.C., on a scholarship from such college, who is a graduate of the California School for the Deaf, Berkeley, the California School for the Deaf, Riverside, or a high school in California and has been enrolled in or is attending a public or private college or university in California.

CHAPTER 4. DISADVANTAGED PERSONS

19300. The department and the State Department of Social Welfare shall jointly develop plans for the orderly processing of cases referred to the department for a determination of feasibility and planning for vocational rehabilitation.

19301. For the purpose of implementing any program to combat poverty and to reduce dependency, the department may, when requested by another public agency and pursuant to a contract with such public agency, utilize funds to provide rehabilitation services pursuant to Chapter 1 (commencing with Section 19000) of Part 1, Division 10, to disadvantaged persons other than those who otherwise meet the eligibility requirements for vocational rehabilitation under the provisions of that chapter.

Article 1. Vocational Evaluation and Work Adjustment

19325. This act shall be known as the Vocational Evaluation and Work Adjustment Act of 1969.

19326. 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 Section 19151, (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).

CHAPTER 5. REHABILITATION FACILITIES

19400. It is the purpose of this chapter to extend the opportunities for disabled persons for employment through encouragement of local communities to develop rehabilitation facilities and to provide the state with information concerning their effectiveness in providing employment and rehabilitation services to the handicapped.

19401. The department may provide consultive services to organizations in the establishment and operation of rehabilitation facilities for the disabled. Such consultive service shall include the bringing together of persons interested in the established rehabilitation facilities, surveying community needs, securing the cooperation of other community agencies, planning methods of financing, securing work contracts, establishing professional standards, and maintaining of appropriate records.

19402. The department may contract with qualified persons or firms for consultation in such technical fields as accounting, engineering and sales so that the directors and governing bodies of the rehabilitation facilities may be advised as to the desirability of any undertaking and the best methods of achieving their objectives.

Article 1. Residential Rehabilitation Facilities

19450. The department may establish residential rehabilitation facilities for the mentally retarded in such locations in the state as are deemed necessary. Residential rehabilitation facilities established under this section will be developed to serve the mentally retarded who do not need intensive medical

and psychiatric care but who do require a protected living environment. The goal of the resident rehabilitation facilities will be to develop mentally retarded individuals being served to the maximum level of physical, psychological, social, and vocational functioning of which they are capable, and to provide a protected living environment as long as they require it. The resources and services of these facilities may also be made available to retarded individuals living in the community who do not require residential care.

19451. 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.

CHAPTER 6. BLIND PERSONS

Article 1. Orientation Centers

19500. The department may establish orientation centers for the blind in such locations as may be deemed necessary to provide on a statewide basis the services to be rendered by orientation centers as provided in this article. Such orientation centers as may be established shall be under the jurisdiction and supervision of the department and shall be administered by the Director of Rehabilitation in accordance with the provisions of this article. The department shall make and promulgate such rules and regulations as are necessary for the administration of such orientation centers in accordance with the provisions of this article.

19501. Each orientation center established under Sections 19500 to 19506, inclusive, shall be residential in character. Blind persons shall be admitted as residents and trainees in an intensive program designed for maximum vocational and personal rehabilitation and for the preparation of blind persons for useful and remunerative work in trades, professions, private business, private industry, or public service.

19502. Orientation centers shall provide for short periods of intensive personal and prevocational orientation for blind persons, and for specific vocational training. The program of orientation centers shall include such training as techniques of daily living, techniques of travel, physical conditioning, sensory training, instruction in braille, instruction in skills for the handicapped, typing, and business principles and methods, and shall provide for social and vocational diagnostic testing and individual counseling.

19503. For each orientation center for the blind the Director of Rehabilitation shall appoint an administrator who shall administer and supervise the institutional and educational aspects of the program at the center in accordance with the provisions of this article, and under the supervision of the Director of Rehabilitation. The administrator of each orientation center for the blind shall be either (1) a visually handicapped

person who has been employed for at least five years in the education or rehabilitation of the blind, or (2) a sighted or visually handicapped person who has completed four years of college education and at least three years of successful experience in the rehabilitation of the blind, or (3) a veteran, blinded in war, who has completed a special training course in orientation under the direction of the armed services or the Veterans Administration and 30 semester hours of college work in the fields of education or psychology, or both, or (4) a person with comparable qualifications as determined by the Director of Rehabilitation with the approval of the State Personnel Board.

19504. The staff of an orientation center shall be composed of persons trained to assist blind persons in achieving social and economic independence, and whose qualifications include successful experience in teaching blind persons. The staff shall include as large a proportion as is practicable of visually handicapped persons who have achieved outstanding success in adjustment to their handicap.

19505 Each orientation center shall be operated as a unit separate and apart from any state-operated rehabilitation facility. The program of each orientation center shall be closely coordinated with the services of the department, with the home teacher and field service program, and with programs for training teachers and other personnel directed toward serving the blind.

19506. The department may:

(a) Make rules for the government and direction of orientation centers established under this article, and may prescribe conditions for the admission and discharge of trainees having regard to an equitable representation from each county of the state.

(b) Designate the subjects which shall be regularly taught and the training which shall be given.

Article 2. Field Orientation Services for the Blind

19525. The department may appoint counselor-teachers to provide individual guidance and training to the adult blind of the state . Such counselor-teachers shall give individual instruction in those techniques which will enable the blind to adjust to daily living in the home and in the community. They shall teach the blind reading and writing of braille, typing, travel techniques, household arts and crafts in accordance with the needs of the blind, and give them such other instruction as may enhance their opportunities for personal rehabilitation. This program shall be closely coordinated with vocational rehabilitation services for the blind, the Orientation Center for the Blind and opportunity work centers for the blind.

Article 3. California Industries for the Blind

19550. The department, with the approval of the Director of Finance, may establish, in such cities as it deems necessary, manufacturing centers and salesrooms to provide employment for blind and otherwise handicapped persons and to give them opportunity for training and experience on the job, which will enable them to contribute to their own support. Such manufacturing centers and salesrooms shall be under the management and control of the department and shall be known and designated as California Industries for the Blind.

19551. The director shall make and enforce all rules and regulations necessary to carry out the provisions of this article.

19552. All moneys received from the sale of products manufactured in the manufacturing departments of California Industries for the Blind shall be remitted at least once in every month to the State Treasurer for credit to, and shall become part of, the California Industries for the Blind Manufacturing Fund

19553. There is in the State Treasury a permanent revolving fund to be known as the California Industries for the Blind Manufacturing Fund, to be administered by the department.

19554. The fund shall be used for the purchase of materials and purchase or rental of equipment needed in the manufacturing, fabricating, or assembly of products, and for the payment of salaries of blind and otherwise handicapped workers engaged in such manufacturing, fabricating, or assembly at any state manufacturing center or salesroom for the blind operated under the jurisdiction of the department, and for the payment of employer and worker contributions, penalties and interest, with respect to the services of blind and otherwise handicapped workers, required under the Unemployment Insurance Code. The fund may be used for the payment of other costs of such manufacturing, fabricating, and assembly, the cost of administration of the work program, and cost of distribution of products. The fund may also be used for the refund of overpayment to any person making such overpayment, whatever the amount, to California Industries for the Blind. Any amount due to any person for merchandise returned to the California Industries for the Blind for credit shall be deemed to be an "overpayment" within the meaning of this section.

19555. The Controller shall transfer from the fund to the Old Age and Survivors Insurance Revolving Fund, from time to time, an amount sufficient to pay all costs incurred by the state in the administration of the Old Age and Survivors Insurance System as it affects blind and otherwise handicapped persons employed by California Industries for the Blind, and to pay, with respect to such person, the contributions required of an employer under the provisions of Section 3111 of the Internal Revenue Code of 1954.

19556. Money hereafter received from the manufacture, fabrication, assembly, or distribution of products at any state training center or rehabilitation facility for the blind shall be paid to the State Treasurer monthly, and shall be credited to the California Industries for the Blind Manufacturing Fund.

19557. Whenever, in the opinion of the director or the Director of Finance, the balance in the revolving fund herein created is greater than is necessary to carry out the purposes of Sections 19554 and 19555, either shall so inform the State Controller and request a transfer of the unneeded balance from the revolving fund to the General Fund. The Controller may transfer such balance upon the request of the Director of Finance.

19558. The department shall provide suitable rooms or buildings to house the activities of California Industries for the Blind. For this purpose the department may rent suitable buildings or rooms, or, with the approval of the Director of General Services, may rent, lease, purchase or otherwise acquire land and construct, in accordance with law, or cause to be so constructed thereon, suitable building or buildings.

19559. The department shall purchase all necessary and suitable equipment and materials. It shall provide for the sale and terms of sale of all products manufactured by the workers thereof, provide for the employment of such other employees as it deems necessary, and do all necessary and proper acts to carry out the provisions of this article.

19560. Whenever additional equipment, materials, or employees become necessary in order to provide greater facilities for the employment of more blind and otherwise handicapped persons in California Industries for the Blind, or to enlarge the economic opportunities of those blind and otherwise handicapped persons employed therein, the department shall purchase such additional equipment or materials, or both, and shall provide for the employment of such additional employees.

19561. Upon proper representation by the department to the Department of General Services that any raw material used in the production of articles and commodities is in short supply, the Department of General Services may grant to the department an authorization to purchase such raw materials without prior approval by any other state agency. After making a purchase of any raw materials in short supply under such authorization, the department shall notify the Department of General Services of the purchase made and the cost thereof. The Department of General Services may determine when such raw materials are no longer in short supply and withdraw the authorization.

19562. The department may cause the raw materials, goods in process, finished products, and equipment necessary for the production thereof, of the California Industries for the Blind, wherever located, to be insured against any or all risks of loss.

The cost of such insurance shall be paid from the California Industries for the Blind Manufacturing Fund.

19563. Managers of the California Industries for the Blind shall be persons experienced in work for the blind and selected in accordance with the rules and regulations governing civil service, and blind persons qualifying for such positions shall not be discriminated against for appointment on account of blindness.

19564. Any blind person of suitable age, character, and qualifications, and such otherwise handicapped persons so qualified as it is practicable to receive therein, may be admitted for employment in any center of California Industries for the Blind. The rate of wages to be paid workers and the conditions of employment in the California Industries for the Blind shall be fixed by the department.

19565. Blind persons and otherwise handicapped persons employed in California Industries for the Blind may authorize deductions to be made from their earnings, in accordance with the rules and regulations of the director, for the payment of premiums on any policy or certificate of group insurance issued to such persons insured under any plan of group insurance, including, but not limited to, group life insurance approved by the Controller and the Director of General Services.

19566. Blind persons and otherwise handicapped persons employed by California Industries for the Blind are not inmates of a state institution or employed to be relieved from unemployment, but are employees of the state for all purposes other than Parts 1 (commencing with Section 18000) and 2 (commencing with Section 18500) of Division 5 of Title 2 of the Government Code.

19567. Blind persons and otherwise handicapped persons employed by California Industries for the Blind shall be deemed to be employees of the state for the purposes of unemployment compensation insurance and unemployment compensation disability insurance.

19568. 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.

19569. The department may submit bids upon contracts to supply cities, counties, districts, or other public corporations of this state with materials and supplies manufactured at institutions for the blind under its jurisdiction without accompanying any such bid with a bond or other security for performance.

19570. Bids so submitted shall be received on the same basis and accorded the same consideration as if they were accompanied by a bond or other security.

19571. The director may, with the approval of the Director of General Services, enter into contracts with responsible private parties for the assembly or manufacture of products for such parties at institutions for the blind under the jurisdiction of the department.

19572. Orders placed with the department by persons who are blind for the purchase for resale of products manufactured or assembled at any center of California Industries for the Blind shall be given priority as to delivery over orders placed by other persons.

19573. The prices charged blind persons in any trade level for such products shall not be higher than those charged other persons in the same trade level.

19574. In times of national emergency, as proclaimed by the President of the United States, the federal government may be given priority over all persons and over all other governmental entities as to delivery of orders placed with the department for purchase of products manufactured or assembled by California Industries for the Blind.

19575. Notwithstanding any provision of this chapter to the contrary, the director may authorize the sale of raw materials from stock ordinarily maintained for use in manufacture and assembly in any manufacturing center or salesroom operated under this article, when the sale is to a blind person for his own use in manufacturing or in assembling, or to a manufacturing establishment in which at least 75 percent of the direct labor of production of such commodity, including preparation of material, processing, and packing, is performed by the blind in producing the commodity.

19576. The department shall determine the fair market price of all brooms and mops and other suitable commodities manufactured by and offered for sale to the state by California Industries for the Blind. It shall revise such prices from time to time in accordance with changing market conditions.

19577. All brooms and mops and other commodities which are manufactured by California Industries for the Blind and offered for sale at the fair market price as determined by the department which meet the specifications required for such products, and which are to be procured by or for the state, shall be procured from California Industries for the Blind.

19578. Any city or county, political subdivision, or district of this state may, without advertising or calling for bids, purchase materials and supplies manufactured by California Industries for the Blind at the prices fixed therefor by the department.

It is the intent of the Legislature to encourage cities, counties, districts, and other political subdivisions to purchase products manufactured by California Industries for the Blind whenever it is feasible for the political subdivision to do so and the proximity of the blind rehabilitation facility makes such purchases reasonably convenient.

Article 4. Opportunity Work Centers for the Blind

19600. The department, with the approval of the Director of Finance, may establish in such cities as it deems necessary opportunity centers and salesrooms for the employment of selected blind and otherwise handicapped persons. Such opportunity centers shall be under the management and control of the department and shall be known as the opportunity work centers for the blind.

19601. It shall be the purpose of the opportunity work centers for the blind to provide such employment opportunities, as may be deemed necessary by the department for blind and otherwise handicapped persons who cannot, by reason of their handicap, physical condition, or personal desires, be employed on a regular basis in private industry or in a production center of the California Industries for the Blind.

19602. For the purposes of this article, a blind person is a person who is blind within the meaning of Section 19153.

19603. The department may provide employment opportunities for such blind and otherwise handicapped persons who indicate a desire to contribute to their own support through partial or full-time employment in an opportunity work center for the blind, through participation in the production of articles for sale in the local community, through the sales facilities of California Industries for the Blind, or through participation in assembly projects secured for the opportunity center from private business enterprises or from public agencies.

19604. Any blind person of suitable age, character, and qualifications, and such otherwise handicapped persons so qualified as it is practicable to receive therein, may be admitted for employment in any opportunity center upon approval of the department. The rate of wages to be paid workers and the conditions of employment in the opportunity work centers for the blind shall be fixed by the department.

19605. The department may:

(a) With the approval of the Director of General Services, rent, lease, or otherwise provide suitable rooms or buildings to house the activities of the opportunity centers for the blind.

(b) Employ such employees at the centers as it deems necessary.

(c) Perform all necessary and proper acts to carry out the provisions of this article.

19606. Blind and otherwise handicapped persons employed in an opportunity work center may authorize deductions to be made from their earnings in accordance with rules and regulations of the director, for the payment of premiums on any policy or certificate of group insurance issued to such persons insured under any plan of group insurance, including, but not limited to, group life insurance approved by the Controller and the Director of General Services.

19607. Blind and otherwise handicapped persons employed in an opportunity work center shall be deemed employees of the state only for the purposes of workmen's compensation insurance.

19608. There is in the State Treasury a permanent revolving fund, to be known as the Opportunity Work Center Revolving Fund, to be administered by the department. At the request of the director and the Director of Finance, the State Controller shall transfer to the fund from the California Industries for the Blind Manufacturing Fund moneys in quantities deemed by them necessary to carry out the operations of the fund.

19609. The Opportunity Work Center Revolving Fund shall be used for the purchase of materials and supplies or for the purchase or rental of equipment needed in the manufacturing, fabricating, or assembly of products, and for the payment of salaries of blind workers and otherwise handicapped persons engaged in such manufacturing, fabricating, or assembly at any opportunity work center operated under the jurisdiction of the department. The fund may be used for the payment of the cost of distribution of products.

19610. Money received from the manufacture, fabrication, assembly, or distribution of products at any opportunity work center shall be paid to the State Treasurer monthly and shall be credited to the Opportunity Work Center Revolving Fund.

19611. Whenever, in the opinion of the director or the Director of Finance, the balance in the revolving fund herein created is greater than is necessary to carry out the purposes of Section 19609, either shall so inform the State Controller and request a transfer of the unneeded balance from the revolving fund to the General Fund. The Controller may transfer such balances upon the request of the Director of Finance.

Article 5. Business Enterprises for the Blind

19625. For the purpose of providing blind persons with remunerative employment, enlarging the economic opportunities of the blind, and stimulating the blind to greater efforts in striving to make themselves self-supporting, blind persons licensed under the provisions of this article, except as otherwise provided, may operate vending stands and food service facilities in any building owned or occupied by the state or by any county or city for the vending of articles pursuant to this article.

19626. This article does not apply nor authorize the installation of vending stands in any building wholly used by any educational institution of any type supported in whole or in part from public funds unless such educational institution is of university or college or junior college grade.

19627. For purposes of this article:

(a) A "vending stand" is a facility that may sell candy, tobacco products, greeting cards, magazines, newspapers, nov-

elties, prepackaged hot and cold sandwiches, salads, pastries and dairy products, canned soups and juices; hot and cold beverages and such other articles as are approved by the director and by the person, governing board, or legislative body having the care, custody or control of the building in which the stand is operated. No food may be prepared on the premises except coffee, tea or hot chocolate.

(b) A "food service facility" is a snackbar or cafeteria that may sell all items sold at a vending stand in addition to food prepared on the premises.

19628. The Director of General Services may construct and install or permit the construction and installation of vending stands, and food service facilities in any building owned or occupied by the state for the department for the use of blind persons licensed by the department. The amount of space allotted for this purpose shall be kept to the minimum space consistent with the number of persons to be served. The governing board of any county may also construct and install or permit the construction and installation of vending stands, and food service facilities for operation by blind persons licensed by the department in any building owned or occupied by the county. The governing board of any city may construct and install or permit the construction and installation of such vending stands and food service facilities for operation by such blind persons licensed by the department in any building owned or occupied by the city. The governing board of any city and county may construct and install or permit the construction and installation of such vending stands, machines, and food service facilities for operation by such blind persons licensed by the department in any building owned or occupied by the city and county.

Any vending machine, which dispenses food and dairy products, placed on or after October 1, 1963, in a building owned or occupied by the state or by a county or city, may be assigned to a licensed blind operator in the building. If there is no licensed blind operator in the building, the profits from the vending machine may be assigned to the department which shall cause such profits to be distributed among licensed operators who operate in marginal locations as defined by the Department of Rehabilitation.

The amendment of this section made by the 1969 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the preexisting law.

19629. The department shall:

(a) Make surveys of opportunities for the operation of vending stands by blind persons in public buildings.

(b) Prescribe all necessary rules and regulations for the operation of the vending stands, and do all things necessary and proper to carry out the provisions of this article, including the collection of a service charge based on gross sales, which

service charge shall not exceed 6 percent thereof from each vending stand operator, and shall be placed in the Special Deposit Fund to be used for maintenance, repairs, and replacement of equipment, for additional equipment, for the construction of new vending stands and food service facilities, for loans to operators for initial stock, and for such other expenditures as are found necessary to carry out the purposes of this article; provided, that no portion of such service charges shall be used for administrative salaries. It is the intent of the Legislature that the expenditure of such service charges as are authorized by this section shall be supplemental to and in augmentation of any current appropriations available for such purposes and shall not constitute an offset or diminution of any such appropriations.

(c) Select a location for each vending stand constructed or installed in any building subject to the approval of the person, governing board, or legislative body having the care, custody, and control of such building.

(d) Issue licenses for the operation of vending stands to blind persons who are citizens of the United States and 21 years of age or over.

19630. In issuing licenses for the operation of vending stands, preference shall be given blind persons who are in need of employment. Licenses shall be issued only to applicants who are blind within the meaning of Section 19153 but who are able and qualified in spite of such visual impairment to operate such stands.

19631. Each license shall be issued for the period of one year. The department, in its discretion, may renew the license one or more times, each time for the period of a year, upon application made by the licensee prior to the expiration of the then existing license or renewed license. A license may be terminated by the department when the department is satisfied that the stand is not being operated in accordance with the rules and regulations prescribed by it.

19632. The operator of each vending stand is subject to the provisions of any ordinance of the county or city in which the stand is located requiring a license or permit for the conduct of such business, but any such license or permit shall be issued free of charge to a qualified blind person licensed by the department pursuant to federal or state law.

The person, governing board, or legislative body having the care, custody, and control of the building in which a vending stand is operated pursuant to this article has the right to approve, disapprove, or withdraw approval of the person operating a vending stand.

19633. Blind persons who are authorized to operate vending stands in any building owned or occupied by the state, any county, or city may keep their guide dogs with them in the building while operating the vending stands.

CHAPTER 8. ALCOHOLISM

19800. Alcoholism and problems associated with misuse of alcoholic beverages impair the life and health of a large segment of the population of California and impose great burdens of cost and indirect expense on the people and industry of the state and on local and the state governments. The purpose of this chapter is to assign responsibility and grant authority for planning, establishment and conduct of state efforts directed toward assisting and encouraging persons impaired by alcoholism to attain their maximum usefulness and self-sufficiency in order to reduce the effects of alcoholism on the individuals, their families, the community, and to educate Californians, by a statewide program of public education, on the dangers involved in the misuse of alcoholic beverages.

19801. The Department of Rehabilitation shall be responsible for the development and maintenance of a statewide comprehensive plan for the conduct of vocational rehabilitation programs for early detection and prevention of alcoholism and effective treatment and rehabilitation; for encouraging and promoting effective use of facilities, resources, and funds in the planning and conduct of programs and activities for early detection and prevention of alcoholism and effective treatment and rehabilitation; for developing a comprehensive statewide educational program, in cooperation with the Department of Education, Department of Public Health, and other related agencies, so that all citizens will be made aware of the inherent dangers involved in the misuse of alcoholic beverages, with this program to be at an adult, college, and secondary school level; and for reporting periodically to the Governor and the Legislature on the status of alcoholism and related matters in the state and on the progress of efforts to reduce the effects of alcoholism on the individuals, their families, the community, and the progress of the statewide public education program on the dangers involved in the misuse of alcoholic beverages.

In the discharge of this responsibility, the department shall cooperate with and utilize to the maximum possible extent the resources and services of federal, state, and local agencies, including those within the Human Relations Agency.

The Department af Rehabilitation is the successor to the Division of Alcoholism of the State Department of Public Health. Whenever a reference is in any statute or contract to the Division of Alcoholism of the State Department of Public Health, it shall be construed as the Department of Rehabilitation.

19802. The department shall plan, promote, and assist in the support of vocational rehabilitation programs for early detection and prevention of alcoholism and effective treatment and rehabilitation; shall conduct, sponsor, and support investigations and studies, including evaluation, of all phases of alcoholism; shall assist in the development of educational and training programs; and shall carry on pro-

grams to assist the public, and technical and professional groups, in becoming fully informed about alcoholism.

The department shall promote, develop, and financially assist, where necessary, community vocational rehabilitation alcoholism programs.

The department may directly administer community vocational rehabilitation programs or may conduct such programs as cooperative programs with a local department of public health or mental health services as designated by the county board of supervisors, or such other local public agency as designated by the county board of supervisors which meets standards of training and experience, as the Department of Rehabilitation shall prescribe after consultation with the State Department of Public Health and the Department of Mental Hygiene.

The cooperative vocational rehabilitation alcoholism programs will be conducted within a comprehensive local plan including, but not limited to, the following services as defined by the California State Plan for Vocational Rehabilitation:

(a) Vocational rehabilitation services for individuals.

(1) Casefinding including outreach, referral, and advocacy.

(2) Evaluation including diagnostic and related services.

(3) Counseling and guidance.

(4) Physical restoration services, both inpatient and outpatient including medical, surgical, psychiatric, psychological, and nursing services.

(5) Training, including personal and vocational adjustment, and related services.

(6) Maintenance.

(7) Transportation.

(8) Services to family members.

(9) Job placement.

(10) Followup services.

(b) Vocational rehabilitation administration services for the community.

(1) Continuing measurement of local problem and resources.

(2) Development and coordination of local program.

(3) Public information training, staff development and professional education.

(4) Consultation and guidance to other local agencies and groups.

(5) Evaluation.

The department shall promote, develop, and financially assist such other services as may be required to implement the provisions of this chapter.

Local public agencies conducting such cooperative vocational rehabilitation alcoholism programs shall maintain records and submit periodic reports as required by the department.

19803. Local vocational rehabilitation programs for early detection and prevention of alcoholism and effective treatment and rehabilitation conducted under authority of this chapter, or to carry out the purposes of this chapter, shall be administered under such standards and regulations which the department determines are reasonably necessary to carry out the purposes of this chapter and consistent with the provisions of Section 19802. Standards, regulations, and procedures applicable to local vocational rehabilitation alcoholism programs shall be adopted after consultation with the directors of the local vocational rehabilitation alcoholism programs. Necessary and actual expenses for all meetings called by the director for this purpose shall be a charge against available funds under this chapter.

19804. To be eligible for state participation a local public agency designated by the county board of supervisors shall develop and submit to the department an initial plan for a communitywide vocational rehabilitation program for early detection and prevention of alcoholism and effective treatment and rehabilitation. The plan shall specify those services for which state participation is requested, and provide a budget of proposed expenditures. A vocational rehabilitation alcoholism plan may provide for direct operation of the required services, or furnishing of these services by other appropriate agencies, groups and individuals, or a combination of both.

Continuing support of local cooperative vocational rehabilitation alcoholism programs will be based on annual submission and approval of an updated community plan, and on evaluation by the department of local performance.

Participation for any fiscal year shall be limited to the amount fixed by the department when the local plan is approved, unless additional expenditure is authorized after submission and approval of a supplementary plan.

No state participation shall be provided for services which are not included in the approved plan, or which fail to comply with standards adopted by the department under Section 19803. The financial participation in the nonfederal-reimbursed costs of the local cooperative vocational rehabilitation alcoholism plan shall be 75 percent state and 25 percent local.

19805. The department, the Department of Mental Hygiene, and the State Department of Public Health shall consult with and render assistance to any county which requests information or advice concerning the planning and operation of its local plan.

The State Department of Public Health has the primary responsibility of consulting with and assisting any county making such request with respect to any medical services provided by the local plan.

19806. Local agencies conducting such local vocational rehabilitation programs may make charges to patients or clients served, such revenue to be used to defray the expenses of the

programs. In the event such revenue exceeds the local expenditures for the programs, such excess collections shall be reimbursed to the state.

19807. The department may, through reimbursement contract, interagency agreement or otherwise, make available funds to other governmental agencies and to voluntary, nonprofit organizations, or individuals, to carry out the provisions of this article. Such contracts shall be drawn only after submission and approval of an application which fulfills requirements established by the department.

19808. The director may appoint annually an advisory committee consisting of not more than 15 members to advise him and the department in the performance of the duties imposed by this chapter, and shall serve as the chairman. The committee shall be solely advisory in character and shall not be delegated any administrative authority or responsibility. Committee members shall serve without compensation, but shall be reimbursed for actual and necessary expenses incurred in connection with the performance of their duties.

19809. In addition to any other authority prescribed by this chapter, the board of supervisors of any county may establish and staff a county department to prescribe and conduct or supervise a program for the rehabilitation of alcoholics confined in any county jail, industrial farm, road camp, or in any other county institution, and to further prescribe, conduct, or supervise programs of continuing such rehabilitation on a voluntary basis after the discharge from custody of any inmate of any such county institution, except, that if funds under this chapter participate, such programs shall meet the standards established under the authority of Section 19803 of this chapter. No program under the provisions of this section shall be activated in any county jail, or other institutions maintained or operated under the jurisdiction of the sheriff, without the advice and consent of the sheriff.

19810. The department shall formulate a plan for the complete evaluation of alcoholism programs developed under this chapter. The objective of the plan should be to determine if state and local programs are achieving the goal of this chapter, which is to assist and encourage persons impaired by alcoholism to attain their maximum usefulness and self-sufficiency in order to reduce the effects of alcoholism on the individuals, their families, and the community. The plan shall be put into effect as soon as possible and the department shall annually submit a report on the plan and its progress in initiating it to the Legislature.

The plan formulated by the department shall include specific provisions for the evaluation of vocational rehabilitation administration services for the community. In order to adequately evaluate such services, the department shall insure that at least one community program has a comprehensive program

of such services so that the results may be compared with the results in communities which do not.

19811. The sum of seven hundred nineteen thousand dollars ($719,000) is appropriated for expenditure by the Department of Rehabilitation for the purpose of conducting the program functions under this chapter. This sum comprises the state's share of funds for this program during the 1969–70 fiscal year. In addition, those federal matching funds available to the Department of Rehabilitation for this program under provisions of the Federal Vocational Rehabilitation Act are hereby appropriated for expenditure during the 1969–70 fiscal year.

19812. All officers and employees of the agencies enumerated in Section 19701 on the operative date of this chapter who are serving in the state civil service, other than temporary employees, and who are engaged in the performance of a function transferred to the Department of Rehabilitation or who are engaged in the administration of a law, the administration of which is transferred to the Department of Rehabilitation, by this chapter shall be transferred to the Department of Rehabilitation and their status, positions, and rights shall not be affected by their transfer and they shall continue to be retained as employees of the Department of Rehabilitation pursuant to the State Civil Service Act, except as to positions the duties of which are vested in a position exempt from civil service.

19813. This article shall be known and may be cited as the McAteer Alcoholism Act.

SEC. 17.5. It is the intent of the Legislature, if this bill and Article 3 (commencing with Section 6990) of Chapter 10.5 of Division 6 of the Education Code as proposed to be added by Senate Bill 338 are enacted, the provisions of that article be transferred operative January 1, 1970, from the Education Code to Chapter 8 (commencing with Section 19800) of Part 2 of Division 10 of the Welfare and Institutions Code as proposed to be added by this bill. Therefore Chapter 8 (commencing with Section 19800) of Part 2 of Division 10 of the Welfare and Institutions Code as proposed to be added by this act shall only become operative if Senate Bill 338 is enacted and in such event that chapter shall become operative on January 1, 1970 and at the same time Article 3 (commencing with Section 6990) of Chapter 10.5 of Division 6 of the Education Code as added by Senate Bill 338 is repealed.

SEC. 18. Any section of any act enacted by the Legislature at its 1969 Regular Session prior or subsequent to the enactment of this act, which adds Article 3 (commencing with Section 19550) to Chapter 6 of Part 2 of Division 10 of the Welfare and Institutions Code, shall prevail over Article 3 (commencing with Section 19550) and Article 4 (commencing with Section 19600) of Chapter 6 of Part 2 of Division 10 of the Welfare and Institutions Code as added by this act.

SEC. 19. It is the intent of the Legislature, if amendments to Sections 135 and 605.5 of the Unemployment Insurance Code proposed by both this bill and S.B. 1211 are enacted, that only the amendments to such sections made by S.B. 1211 shall become operative. Therefore, in the event S.B. 1211 is enacted and amends Sections 135 and 605.5, Sections 7.3 and 7.5 of this act are repealed.

CHAPTER 1108

An act to amend Section 11922 of the Revenue and Taxation Code, relating to the Documentary Transfer Tax.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 11922 of the Revenue and Taxation Code is amended to read:

11922. Any deed, instrument or writing to which the United States or any agency or instrumentality thereof, any state or territory, or political subdivision thereof, is a party shall be exempt from any tax imposed pursuant to this part when the exempt agency is acquiring title.

CHAPTER 1109

An act to develop the recreational potential of the natural resources of the state by creating the Mountain View Shoreline Regional Park Community and prescribing the boundaries, organization, purposes, powers, operation, management, and financing of the community.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969]

The people of the State of California do enact as follows:

Article 1. General Provisions

SECTION 1. The Mountain View Shoreline Regional Park Community is hereby created to consist of the territory in Santa Clara County bounded and described as follows, to wit:

Beginning at a point on the centerline of that certain Santa Clara County Flood Control easement known as "Stevens Creek" and the intersection thereof with the northerly right of way line of Route 68, District IV, known as Bayshore Highway; thence northerly along said centerline of said Stevens Creek approximately 9,700 feet to the intersection thereof with the southerly line of the Leslie Salt Co. dike for Salt

Pond No. 2; thence northwesterly and southwesterly along said southerly line of the Leslie Salt Co. dike approximately 5,000 feet to the Mountain View Slough and a point on the southerly line of Leslie Salt Co. dike for Salt Pond No. 1; thence northwesterly approximately 4,400 feet to the intersection thereof with the northerly prolongation of the westerly right of way line of San Antonio Road; thence southerly along said westerly right of way line and prolongation thereof approximately 1,100 feet to the intersection thereof with the northerly right of way line of Terminal Avenue; thence easterly along said northerly right of way line of Terminal Avenue approximately 1,100 feet to the intersection thereof with the easterly line of Fairview Ditch; thence southerly along last said easterly line approximately 3,000 feet to the point of intersection thereof with said northerly right of way line of Bayshore Highway; thence southeasterly along said northerly right of way line approximately 10,500 feet to the point of beginning; containing an area of 1,350 acres more or less; excepting therefrom any part of that parcel of land described as Exception 2, Parcel SC-9, Exhibit "A" of Patent Number 5225 dated January 26, 1968, issued by the State of California to Leslie Salt Co., a Delaware Corporation, and recorded February 1, 1968, in Book 8013, page 394, O.R., Serial No. 3362399, Official Records of Santa Clara County.

SEC. 2. This act shall be known and may be cited as "Mountain View Shoreline Regional Park Community Act."

SEC. 3. The community is a public body, corporate and politic, exercising public and essential governmental functions, has perpetual succession, and may exercise the powers enumerated in this act, those necessarily implied therefrom and such other powers as the law may provide.

SEC. 4. This act shall be liberally construed to effectuate its purposes.

SEC. 5. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of this act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

SEC. 6. Whenever any reference is made to any portion of this act or of any other law or code, such reference shall apply to all amendments and additions thereto.

Article 2. Definitions

SEC. 10. As used herein, unless otherwise indicated by the context:

(a) "Community" means the Mountain View Shoreline Regional Park Community created herein.

(b) "Board" means the board of directors of the community.

(c) "Council" means the City Council of the City of Mountain View.

(d) "Board of supervisors" means the Board of Supervisors of the County of Santa Clara.

(e) "City" means the City of Mountain View.

(f) "County" means the County of Santa Clara.

(g) "President" means the president of the board of directors of the community.

(h) "Secretary" means the secretary of the community.

(i) "Park" means that portion of the community now owned or being acquired by the city and to be developed and improved as a shoreline regional park.

(j) "Bonds" means any bonds, notes, interim certificates, debentures, or other obligations issued by the community pursuant to Article 9 (commencing with Section 130) of this act.

(k) "Plan" means a plan for the development or redevelopment of all or any part of the area of the community which has been duly formulated and approved by the board of directors in the manner hereinafter provided.

(*l*) "Project" means any and all action taken by the community to implement an approved plan.

(m) "Person" includes any person, firm, association, organization, partnership, business trust, corporation, or company.

Article 3. General Administrative Provisions

SEC. 20. The community shall be governed by a board of directors who are the members of the council serving ex officio as the board of the community.

SEC. 21. A quorum for the transaction of business shall consist of a majority of the members of the board. No action shall be taken without the affirmative vote of at least a majority of said members.

SEC. 22. At its first meeting, and thereafter at the first meeting following each change of membership of the board, the board shall elect one of its members as president.

SEC. 23. At its first meeting, or as soon thereafter as may be practicable, the board shall appoint a secretary, who may be the city clerk. He shall serve at the pleasure of the board and his compensation shall be fixed by it.

SEC. 24. All contracts, deeds, warrants, releases, receipts, and documents shall be signed in the name of the community by the president and countersigned by the secretary.

SEC. 25. Each board member shall be reimbursed for actual expenses incurred on behalf of the community, including ten cents ($0.10) for each mile of actual travel with his automobile.

SEC. 26. The manager, planning director, finance director, attorney, and public works director of the city are ex officio officers of the community.

SEC. 27. All city officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

Article 4. Purposes

SEC. 30. The city, in cooperation with the parks and recreation department of the county, the Department of Parks and Recreation, and the Bureau of Outdoor Recreation of the United States Department of the Interior, has designated approximately 544 acres of bayfront lands within the community for acquisition and improvement as a shoreline regional park and recreational facility. This action was taken in recognition of the fact that there is a critical shortage of high-density, intensive recreation land in the San Francisco-Oakland and San Jose urban areas, and that there is a need for preserving wildlife and marinelife habitats and open space in the San Francisco Bay tide and marsh lands.

The land uses in the balance of the community are predominantly agricultural with some industrial uses and residential uses in varying degrees of deterioration.

SEC. 31. It is found and declared that the park and the other territory included in the community through which the public will gain access to the park is a single comprehensive land unit, comprised of public and private lands, requiring a special form of local government if the park is to achieve its full potential as a public recreational facility serving an area with an anticipated population of over four million persons by 1985.

SEC. 32. The purpose of this act is to provide such a form of local government, which will enable public authority and private interests to cooperate in the development of a community which will (in common with The New Communities Act of 1968 [Title IV of the Housing and Urban Development Act of 1968]): (a) contribute to better living conditions through improved overall community design; (b) make substantial contributions to the sound and economic growth of the area; (c) provide needed additions to the general housing supply; (d) provide opportunities for innovation in housing and community development technology and land use planning; (e) enlarge housing, employment, and investment opportunities; (f) encourage a diversified local homebuilding industry; and (g) provide a suitable environment to a significant public regional recreational facility, namely, the park. A further purpose is to provide a governmental agency to own, maintain, operate, and administer the park.

Since the community area is partially incorporated in the city and partially unincorporated in the county, special legislation is necessary in order to provide representative local government to achieve these purposes.

Article 5. Powers

SEC. 40. The community may adopt and use a seal, alterable at the pleasure of the board.

SEC. 41. The community may sue and be sued in its own name.

SEC. 42. The community may acquire, construct, reconstruct, alter, enlarge, lay, renew and replace facilities and works used or useful for the following purposes:

(a) The production, storage, treatment and distribution of water for domestic and fire protection purposes.

(b) The collection, treatment, and disposal of sewage, waste, storm, and flood waters.

(c) Street and highway lighting.

(d) Streets, alleys, curbs, gutters, culverts, sidewalks, and other public ways.

(e) Underground power and communication facilities.

(f) Off-street motor vehicle parking lots, structures, and facilities.

(g) Reclamation of public and private lands by levees, bulkheads, breakwaters, fills, embankments, basins, drains, canals, excavations, services, pipes, watergates, pumping plants, and all works or structures useful therefor.

Title to all facilities acquired or constructed by the community under subdivisions (a), (b), and (f) of this section and such portion of those acquired or constructed by the community under subdivision (d) of this section as are located within the boundaries of the city shall, upon their completion to the satisfaction of the city, be vested in the city and thereafter owned, maintained and operated as part of the respective city systems. Title to any other facilities acquired or constructed under subdivision (d) of this section shall, upon their completion to the satisfaction of the county, be vested in the county and thereafter owned, maintained, and operated as part of the county road system.

Facilities under subdivision (e) of this section shall, and under subdivision (c) of this section may, be acquired or constructed pursuant to agreement with the regulated public utility providing service to the community in the manner provided in Sections 10109 to 10111, inclusive, of the Streets and Highways Code. Title to facilities under subdivision (c) of this section may also be vested in the city in the same manner as facilities under subdivisions (a), (b), and (f) of this section.

None of the powers enumerated in this section shall be exercised in the unincorporated portions of the community without the prior consent of the board of supervisors, expressed by resolution.

SEC. 43. The community may acquire, develop, improve, enlarge, redevelop, renew, replace, maintain, operate, and administer the park.

SEC. 44. The community may prescribe, revise and collect charges for the services, facilities and products of the park, or for the use thereof.

SEC. 45. It is found and declared that the area of the community, exclusive of the park, is characterized and blighted by:

(a) The existence of buildings and structures in parts of the area used or intended to be used for living, commercial and industrial purposes which are unfit or unsafe to occupy for such purposes and are conducive to ill health and transmission of disease because of the combination of the following factors:

(1) Defective design and character of physical construction.

(2) Faulty interior arrangement and exterior spacing.

(3) Inadequate provision for ventilation, light, sanitation, open spaces and recreation facilities.

(4) Age, obsolescence, deterioration, and dilapidation.

(b) An economic imbalance between the ability of present tenants to pay rent commensurate with the value of the property rented which results in a perpetuation of the foregoing conditions.

(c) The existence of substantial areas which are subject to being submerged by water.

(d) Inadequate and inefficient vehicular traffic patterns.

(e) The existence of substantial areas presently or heretofore devoted to use for garbage disposal purposes.

(f) The existence of substantial areas devoted to use as automobile wrecking storage sites.

SEC. 46. It is further found and declared that the existence of these conditions presents difficulties and handicaps which are beyond remedy and control solely by private interests and the regulatory processes in the exercise of the police power under present laws.

SEC. 47. It is further found and declared that there is a great and pressing demand for more housing and for the correlation of the community and of the park with other areas of the city and county, by streets and public places, and without governmental help the community cannot be developed on a planned, coordinated and productive basis and such lack of governmental help will preclude the proper development of the park and inhibit its use to the detriment of the people of the city, county, and state, all of which results in a compelling community economic need for the community to function with the powers hereinafter enumerated.

SEC. 48. It is further found and declared that the private assembly of land in the community for development is so difficult and costly that it is uneconomic and as a practical matter impossible for private persons and owners to undertake because of lack of legal power and excessive costs. The community requires replanning and land assembly for reclamation and development in the interest of the general welfare because of scattered ownership and its proximity and relation to the park. The remedying of these conditions requires the public acquisition, at fair prices of adequate areas, the clear-

ance of such areas through demolition of existing obsolete, inadequate, unsafe and insanitary buildings, and the development and redevelopment of the community under proper supervision, with appropriate planning and continuing land use and construction policies.

SEC. 49. The community may, therefore, provide for the assembly, planning, development, replanning, redesign, clearance, reconstruction or rehabilitation, or any combination of these, of all or any part of the community, and the provision of such residential, commercial, industrial, public or other structures or spaces as may be appropriate or necessary in the interest of the general welfare, including recreational and other facilities incidental or appurtenant to them. The community may also provide for the replanning or redesigning or original development of undeveloped areas.

SEC. 50. The community may take, acquire, hold, use, and dispose of property of every kind within the community necessary, expedient or advantageous to the full exercise and economic enjoyment of its purposes and powers.

SEC. 51. The community has and may exercise within its boundaries the right of eminent domain in the manner provided by law for the condemnation of private property for public use by the state or any political subdivision or district thereof. The provisions of Title 7 (commencing with Section 1237) of Part 3 of the Code of Civil Procedure shall apply. The board has the same rights and powers with respect to the taking of property for the public uses of the community within its boundaries as are now or may hereafter be conferred by general law on the legislative body of a city, including the right of eminent domain for the purposes and uses set forth in Section 48, which are hereby declared to be public uses. None of the powers enumerated in this section shall be exercised in the unincorporated portions of the community without the prior consent of the board of supervisors, expressed by resolution.

SEC. 52. The community may make and accept contracts, deeds, releases, and documents that, in the judgment of the board, are necessary or proper in the exercise of any of the powers of the community.

SEC. 53. The community may cooperate and contract with the city, the county, the federal government of the United States and with the State of California, or with any other city, county, district, agency, commission, or other public body, or with any person, for the joint acquisition, construction, maintenance, operation, management, or use or aid in connection with any of said activities regarding facilities or property which the community has the power to acquire or construct under this act. Such power of cooperation includes, without limiting the generality of the foregoing, the power to negotiate and enter into and to assist others in the negotiation and execution of land assembly agreements, with the land to

be administered in trust for the benefit of the participating landowners, for the purpose of facilitating the implementation of the community plan.

SEC. 54. The community is a public agency within the meaning of Section 6500 of the Government Code and may exercise any or all of its powers jointly with the city, county or any other public agency or agencies under Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code. Any agency, commission or board provided by a joint powers agreement under this section may issue revenue bonds to pay the costs and expenses of acquiring or constructing a project for the purposes set forth in subdivision (d) of Section 6546 of the Government Code, without regard to the population limitations therein set forth.

SEC. 55. For the purpose of aiding and cooperating in the land assembly, planning, undertaking, construction or operation of community development or redevelopment projects located within the area in which it is authorized to act, any public body, including without limitation the city and county, upon the terms as it determines, may:

(a) Dedicate, sell, convey or lease any of its property to the community.

(b) Cause parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished within or adjacent to or in connection with community projects.

(c) Furnish, dedicate, close, vacate, pave, install, grade, regrade, plan or replan streets, roads, roadways, alleys, sidewalks, or other places which it is otherwise empowered to undertake.

(d) Plan or replan, zone or rezone any part of such area and make any legal exceptions from building regulations and ordinances.

(e) Enter into agreements with the federal government, the community, or any other public body or with any person respecting action to be taken pursuant to any of the powers granted by this act or any other law; such agreements may extend over any period, notwithstanding any law to the contrary.

(f) Purchase or legally invest in any of the bonds of the community and exercise all of the rights of any holder of such bonds.

(g) Purchase and buy or otherwise acquire land from the community for development or redevelopment in accordance with the plan.

SEC. 56. The community may guarantee the performance of any of its transactions, including the payment of local improvement bonds issued pursuant to any general law.

SEC. 57. The community may refund or retire any public indebtedness or lien that may exist or be created against the community or any property therein which shall have arisen out of the transaction of the affairs of the community.

SEC. 58. The community may incur indebtedness and issue bonds in the manner herein provided.

SEC. 59. The community may issue warrants in payment of community obligations. The warrants shall be registrable as provided for county warrants when not paid for want of funds. Claims for money or damages against the community are governed by Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, except as provided herein.

SEC. 60. The community may cause special assessments to be levied and collected and may issue bonds to represent unpaid assessments on the basis of benefit to the properties assessed for the purpose of financing the acquisition and construction of local improvements. None of the powers enumerated in this section shall be exercised in the unincorporated portions of the community without the prior consent of the board of supervisors, expressed by resolution.

SEC. 61. The community may contract for the services of such engineers, attorneys and other consultants and appoint, employ and fix the compensation of such personnel and employees as it deems proper.

SEC. 62. For purposes of the community, it shall have access to all services and facilities of the city.

SEC. 63. The community may obtain insurance in such form and in such amounts as the board may deem necessary for the adequate protection of the community's property, officers, agents, employees, and interests.

SEC. 64. The community may make, amend, and repeal regulations not inconsistent with, and to carry into effect, the powers and purposes of this act.

Any person who violates any regulation of the community is guilty of a misdemeanor. A regulation of the board shall be adopted by ordinance and shall be posted for one week in three public places in the community and published in a newspaper of general circulation printed and published in the city, pursuant to Section 6061 of the Government Code, and shall take effect after said publication and upon expiration of the week of such posting. A subsequent finding of the board, entered in its minutes, that posting has been made is conclusive evidence that the posting has been properly made.

SEC. 65. The community may, from time to time, prepare and carry out plans for the improvement, rehabilitation, development and redevelopment of the community, and disseminate information with regard thereto.

SEC. 66. All contracts for the construction of any public improvements shall be let and entered into in the same manner as contracts are let and entered into by the city pursuant to its charter.

Article 6. Adoption of Plans

SEC. 70. The community shall prepare, or cause to be prepared and approved, a plan for the community and for that purpose may hold hearings and conduct examinations, investigations, and other negotiations. The community shall consult with the city planning commission and the county planning commission in preparing such a plan.

SEC. 71. The plan shall conform to the respective general plans of the city and county and the general development plan of the park.

SEC. 72. The plan shall show by diagram and in general terms the nature of the proposed development and redevelopment, shall generally describe the proposed method of financing, including estimates of total project costs, revenues, and bond issues and shall provide for the community to lease or sell all real property acquired by it, except property conveyed to it by the city or county or other public agency, and except any real property vested or conveyed under Section 42 of this act.

SEC. 73. The plan shall provide for the retention of controls and the establishment of any restrictions or covenants running with lands sold or leased for private use for such periods of time and under such conditions as the board deems necessary to effectuate the purposes of this act. The establishment of such controls is a public purpose under the provisions of this act.

SEC. 74. After the plan has been prepared, it shall be submitted to the city planning commission and to the county planning commission for their respective recommendations for or against the approval of the plan.

SEC. 75. Within 30 days after the plan has been submitted to it for consideration, each planning commission shall make and file its report and recommendation with the community. If either planning commission does not report upon the plan within 30 days after its submission by the community, said commission shall be deemed to have waived its report and recommendations concerning the plan and the community may thereafter approve the plan without the report and recommendation of the planning commission which has not so reported.

SEC. 76. Before the approval of the plan by the community, the board shall conduct a public hearing on it.

SEC. 77. Notice of said hearing shall be published in a newspaper of general circulation, printed and published in the city, pursuant to Section 6066 of the Government Code. The notice of hearing shall include a general statement of the scope and objectives of the plan. Copies of the notices shall be mailed, postage prepaid, to the last-known assessee of each parcel of land in the community, at his last-known address,

as shown on the last equalized assessment roll of the county or as known to the secretary.

SEC. 78. The hearing shall be held at the time and place set forth in said notice, and the board shall hear and consider all competent and relevant testimony submitted by any person interested. Any person interested and objecting to the plan may file a written protest with the secretary at any time prior to the time fixed for the hearing, and the board shall hear and determine all protests filed.

SEC. 79. The board's decision on the protests shall be final and conclusive.

SEC. 80. Any protest filed may be abandoned and withdrawn by written notice of such abandonment or withdrawal signed by the person who signed the protest and filed with the secretary at any time prior to the conclusion of the hearing.

SEC. 81. The hearing may be continued from time to time at the discretion of the board.

SEC. 82. At the conclusion of the hearing, after ruling on all protests and objections, the board may approve the plan by resolution. Said resolution shall set forth the findings and determinations of the board which shall be conclusive in the absence of fraud.

SEC. 83. At any time, either concurrently with or after the approval of the plan, the board may make changes therein, after notice of intention to do so, given by publication in the same newspaper in which the original notice of hearing was published, pursuant to Section 6061 of the Government Code. Copies of said notice shall be mailed to the city planning commission and to the county planning commission. The notice shall specify a time and place for hearing objections to the proposed changes, which shall not be less than 10 days after the publication and mailing of the notice.

SEC. 84. Written objections to any proposed change may be filed with the secretary by any interested person, or by either planning commission, at any time prior to the hour set for hearing them.

SEC. 85. The board shall hear and pass upon objections to proposed changes at the time appointed or at any time to which the hearing may be adjourned. This decision shall be final. Any changes described in the notice may be ordered by the board, by resolution, at the conclusion of the hearing, after ruling on any protests and objections.

SEC. 86. After the adoption of a plan by the board, all applicants for building permits in the community for a period of two years thereafter shall be advised by the respective building departments of the city and the county that the site for which a building permit is sought for the construction of buildings or for other improvements is within a plan area.

SEC. 87. No action attacking or otherwise questioning the validity of the community and its organization or any plan or the adoption or approval of such plan or any of the findings

or determinations of the community or the board in connection with such plan shall be brought prior to the adoption of the resolution approving the plan nor at any time after the elapse of 30 days from and after the date of adoption of the resolution approving the plan. No action attacking or otherwise questioning the validity of any changes in the plan shall be brought after the elapse of 60 days from and after the date of adoption of the resolution ordering such changes.

SEC. 88. At any time before the expiration of said 60-day period, an action may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure to determine the validity of bonds and the plan to be financed or refinanced, in whole or in part, by the bonds or to determine the validity of any plan not financed by bonds, including without limiting the generality of the foregoing, the legality and validity of all proceedings theretofore taken for or in any way connected with the establishment of the community, its authority to transact business and exercise its powers, and the adoption of or making changes in the plan, also including the legality and validity of all proceedings theretofore taken and proposed to be taken for the authorization, issuance, sale, and delivery of the bonds and for the payment of the principal and interest thereof.

Article 7. Special Assessment Proceedings

SEC. 90. The Municipal Improvement Act of 1913, the Improvement Act of 1911, the Street Opening Act of 1903, the Improvement Bond Act of 1915, the Revenue Bond Law of 1941, and the Sewer Revenue Bond Act of 1933 (Chapter 5 (commencing with Section 4950) of Part 3 of Division 5 of the Health and Safety Code) are applicable to the community; provided, however, that the supplemental remedies which apply when community bonds have been issued under the Improvement Bond Act of 1915 shall become the obligations of the city and not the community; and provided, further, that Division 4 (commencing with Section 2800) of the Streets and Highways Code shall not apply to any of said special assessment proceedings. No proceedings under any of said acts shall be undertaken in the unincorporated portions of the community without the prior consent of the board of supervisors, expressed by resolution.

Article 8. Financial Provisions

SEC. 100. The community may accept financial or other assistance from any public or private source, for the community's activities, powers, and duties and expend any funds so received for any of the purposes of this act.

SEC. 101. The community may borrow money or accept financial or other assistance from the city, county, state or the federal government for any project within its area of

operation, and may comply with any conditions of such loan or grant.

SEC. 102. The community may borrow money (by issuance of bonds or otherwise) or accept financial or other assistance from any private lending institution or person for any project for any of the purposes of this act, and may execute trust deeds or mortgages on any real or personal property owned or acquired.

SEC. 103. The community may invest any money held in reserve or sinking funds, or any money not required for immediate disbursement, in property or securities in which savings banks may legally invest money subject to their control.

SEC. 104. The council may appropriate to the community such amounts as it deems necessary for the administrative expenses and overhead of the community. The money appropriated may be paid to the community as a grant to defray the expenses and overhead, or as a loan to be repaid upon such terms and conditions as the council may provide.

In addition to the common understanding and usual interpretation of the term, "administrative expense" includes, but is not limited to, community officers and employees compensation, expenses of development and redevelopment planning and dissemination of development and redevelopment information.

SEC. 105. The community shall annually submit to the council a proposed budget of its administrative expenses.

SEC. 106. The council may adopt an annual budget for the administrative expenses of the community in such amounts as it deems necessary and may provide such conditions and restrictions upon the expenditure or encumbrance of the money appropriated pursuant to the budget as it deems advisable.

SEC. 107. The money appropriated for administrative expenses shall be kept in the treasury of the community in a special fund to be known as the community administrative fund. Any money shall be drawn from the fund to meet the administrative expenses of the community in substantially the same manner as money is drawn by other agencies and departments of the city subject to budgetary control.

SEC. 108. The money appropriated to the community administrative fund is money granted or loaned by the city to defray the administrative expenses of the community which is performing a public function.

SEC. 109. The community shall file periodic reports of all its financial transactions, pursuant to Article 9 (commencing with Section 53890) of Division 2 of Title 5 of the Government Code and shall cause to be prepared an annual audit of its transactions by a certified public accountant.

SEC. 110. The council may establish a community revolving fund to be kept in the treasury of the city.

SEC. 111. For the purpose of raising money to be deposited in the community revolving fund, the council may

appropriate money or issue and sell its general obligation or other bonds.

SEC. 112. Any money in the community revolving fund may be expended from time to time for:

(a) The acquisition of real property in any project area.

(b) The clearance, aiding in relocation of site occupants, and preparation of any project area for development or redevelopment.

Such expenditure shall be authorized by resolution of the council.

SEC. 113. Any money in the community revolving fund may be paid to the community, upon such terms and conditions as may be prescribed in the authorizing resolution hereinafter referred to, for any of the following purposes:

(a) Deposit in a trust fund to be expended for the acquisition of real property in any project area.

(b) The clearance of any project area for development or redevelopment.

(c) Any expenses necessary or incidental to the carrying out of a plan which has been adopted by the community.

Such payment to the community shall be authorized by resolution of the council.

SEC. 114. All money received by the community from the sale, lease, or encumbering of property acquired with money from the community revolving fund in excess of the money required to repay the loans and interest thereon authorized by this act shall be redeposited in the fund.

SEC. 115. The community revolving fund may be abolished by the council whenever it finds that the purposes for which it was established have been accomplished.

SEC. 116. The council may withdraw money which it has appropriated from the community revolving fund whenever and to the extent that it finds that the amount of money therein exceeds the amount necessary to finance existing or planned purposes for which its expenditure is authorized by the provisions of this article. All money withdrawn from the fund by reason of its being reduced in size, or its abolition, and all money which, after abolition would have been required to be deposited or redeposited in the fund, shall be transferred to the bond redemption fund or to the general fund of the city, as directed by the council.

SEC. 117. The city may issue and sell its general obligation or other bonds for any or all of the following purposes: raising money to be deposited in the community revolving fund or providing funds with which to redeem before maturity, retire at maturity or purchase community bonds issued under Article 9 (commencing with Section 180) of this act. Bonds issued pursuant to this section may be authorized and issued in a principal amount sufficient to provide funds for the payment of any or all of the following:

(a) The estimated amount of money to be raised to be deposited in the community revolving fund.

(b) The principal amount of community bonds proposed to be so redeemed, retired or purchased.

(c) The estimated amount of any premiums required to be paid in connection with the redemption or purchase of such community bonds.

(d) The estimated amount of any due and unpaid interest or accrued interest on such community bonds which must be paid at the time the same are redeemed, retired or purchased.

(e) The amount of interest on such city bonds estimated to accrue during the period from the date thereof until the portion of taxes allocated to and paid into the special fund of the community under the provisions of Section 154 of this act pledged or to be pledged to the repayment of an advance to the community for any purpose authorized by this act equals the annual amount of the interest upon such bonds due and payable thereon in the next succeeding year, such period not to exceed 10 years from the date of such city bonds or the first series thereof; provided, that such amount shall not include any interest estimated to accrue during any year for which interest on community bonds proposed to be so redeemed, retired or purchased has been provided from the proceeds of sale of such community bonds.

(f) The estimated amount of all expenses incidental to or connected with the redemption, retirement or purchase of such community bonds and the authorization, issuance and sale of such city bonds.

All community bonds redeemed, retired or purchased with the proceeds of such city bonds shall be canceled and shall not be reissued.

The council may fix a date, not more than 10 years from the date of issuance of any such city bonds, for the earliest maturity of each issue or series of such bonds.

SEC. 118. If the plan adopted pursuant to Article 6 contains the provision authorized by Section 154 of this act, either initially or by virtue of change proceedings, the community and the council may, either before or after the authorization of city bonds for the purposes permitted by Section 117 of this act, enter into an agreement that the principal amount of any such city bonds sold for such purposes, together with all interest which may be paid thereon, shall constitute a loan by the city to the community for the purpose of refinancing the project, and that subject to any prior pledge of or claim upon the moneys in the special fund provided for in Section 154 of this act, the moneys accruing to such special fund are irrevocably pledged to the repayment of such loan until there has been repaid to the city from time to time from such special fund the principal amount of such city bonds plus all interest which said city may pay thereon, less

such part, if any, of the proceeds of such city bonds which were not used for such purposes, and less any premiums and accrued interest received by the city upon the sale of such city bonds.

SEC. 119. Any surplus existing in the city bond redemption fund after payment of principal and interest shall be transferred to the general fund of the city.

SEC. 120. Except as otherwise provided in this article, any bonds issued by the city pursuant to this article shall be authorized and issued in the manner and within the limitations prescribed by law or the charter of the city for the issuance and authorization of such bonds for public purposes generally. Irrespective of any limitation as to the amount of general obligation bonds which may be issued, the city may issue such bonds for the purposes prescribed in this article, in excess of the limitation, in such amount as may be authorized by the voters of the city at any general or special election.

Article 9. Bonds

SEC. 130. From time to time the community may issue bonds for any of its corporate purposes. The community may also issue refunding bonds for the purpose of paying or retiring bonds previously issued by it. The board shall not authorize either directly or indirectly any project or bonds authorized by this act until the bonds have been certified by the California Districts Securities Commission pursuant to Chapter 1 (commencing with Section 20000) of Division 10 of the Water Code.

SEC. 131. The community may issue such types of bonds as it may determine, including bonds on which the principal and interest are payable:

(a) Exclusively from the income and revenues of the development or redevelopment projects together with financial assistance from the state or federal government in aid of the projects.

(b) Exclusively from the income and revenues of certain designated projects whether or not they were financed in whole or in part with the proceeds of the bonds.

(c) In whole or in part from taxes allocated to, and paid into a special fund of, the community pursuant to the provisions of Sections 154 to 157, inclusive, of this act.

(d) From its revenues generally.

(e) From any contributions or other financial assistance from the city, county, the state or federal government or any person.

(f) Any combination of these methods.

If the bonds are issued under any of the acts specified in Article 7 (commencing with Section 90) of this act, the procedures and requirements of those acts shall apply. The community is not authorized to issue bonds under this article for

any of the purposes set forth in subdivisions (c) and (e) of Section 42 of this act.

SEC. 132. Any of such bonds may be additionally secured by a pledge of any revenues or by an encumbrance by mortgage, deed of trust or otherwise of any project or other property of the community or by a pledge of the taxes referred to in subdivision (c) of Section 131 of this act or by any combination thereof.

SEC. 133. Neither the members of the community nor any persons executing the bonds are liable personally on the bonds by reason of their issuance.

SEC. 134. The community may authorize bonds by resolution. The resolution and trust indenture or mortgage issued pursuant thereto may provide for:

(a) The issuance of the bonds in one or more series.

(b) The date the bonds shall bear.

(c) The maturity dates of the bonds.

(d) The interest rate, not to exceed 8 percent per annum.

(e) The denomination of the bonds.

(f) Their form, either coupon or registered.

(g) The conversion or registration privileges carried by the bonds.

(h) The rank or priority of the bonds.

(i) The manner of their execution.

(j) The medium of payment.

(k) The place of payment.

(*l*) The terms of redemption with or without premium to which the bonds are subject.

SEC. 135. The bonds may be sold at less than par, at public or private sale.

SEC. 136. If any community member or officer whose signature appears on bonds or coupons ceases to be such member or officer before delivery of the bonds, his signature is as effective as if he had remained in office.

SEC. 137. Bonds issued pursuant to this act are fully negotiable.

SEC. 138. In any action or proceeding involving the validity or enforceability of any bonds or their security, any such bond reciting in substance that it has been issued by the community to aid in financing a project is conclusively deemed to have been issued for such a project and the project is conclusively deemed to have been planned, located, and constructed pursuant to this act.

SEC. 139. In connection with the issuance of bonds, and in addition to its other powers, the community has the powers prescribed in Sections 140 to 149 of this act, inclusive.

SEC. 140. The community may:

(a) 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.

(b) Encumber by mortgage, deed of trust or otherwise all or any part of its real or personal property, then owned or thereafter acquired.

SEC. 141. The community may covenant:

(a) Against pledging all or any part of its rents, fees, and revenues.

(b) Against encumbering all or any part of its real or personal property, to which its right or title then exists or may thereafter come into existence.

(c) Against permitting any lien on such revenues or property.

(d) With respect to limitations on its right to sell, lease or otherwise dispose of all or part of any project.

(e) As to what other or additional debts or obligations it may incur.

SEC. 142. The community may:

(a) Covenant as to the bonds to be issued, as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the bonds proceeds.

(b) Provide for the replacement of lost, destroyed or mutilated bonds.

(c) Covenant against extending the time for the payment of its bonds or interest.

(d) Redeem the bonds, covenant for their redemption and provide the redemption terms and conditions.

SEC. 143. The community may:

(a) Covenant as to the consideration or rents and fees to be charged in the sale or lease of a project, the amount to be raised each year or other period of time by rents, fees, and other revenues, and as to their use and disposition.

(b) Create or authorize the creation of special funds for money held for development or redevelopment or other costs, debt service, reserves or other purposes, and covenant as to the use and disposition of such money.

SEC. 144. The community may prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds whose holders are required to consent thereto, and the manner in which such consent may be given.

SEC. 145. The community may covenant:

(a) As to the use of any or all of its real or personal property.

(b) 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.

SEC. 146. The community may:

(a) Covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation.

(b) 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.

SEC. 147. The community may:

(a) 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.

(b) Vest in a trustee the right, in the event of a default by the community, to take possession of all or part of any project, to collect the rents and revenues arising from it and to dispose of such money pursuant to the agreement of the community with the trustee.

(c) Provide for the powers and duties of a trustee and limit his liabilities.

(d) 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.

SEC. 148. By its resolution, trust indenture, mortgage, lease, or other contract, the community may confer upon any obligee holding or representing a specified amount in bonds, the following rights upon the happening of an event of default prescribed in such resolution or instrument, to be exercised by suit, action, or proceeding in any court of competent jurisdiction:

(a) To cause possession of all or part of any project to be surrendered to any such obligee.

(b) To obtain the appointment of a receiver of all or part of any project of the community and of the rents and profits from it. If a receiver is appointed, he may enter and take possession of the project or any part of it, operate and maintain it, collect and receive all fees, rents, revenues, or other charges thereafter arising from it, and shall keep such money in separate accounts and apply it pursuant to the obligations of the community as the court shall direct.

(c) To require the community and its members and employees to account as if it and they were the trustees of an express trust.

SEC. 149. The community may:

(a) Exercise all or any part or combination of the powers granted in Sections 140 to 148 of this act, inclusive.

(b) Make covenants other than, and in addition to, the covenants expressly authorized in such sections of like or different character.

(c) Make such covenants and do any and all such acts and things as may be necessary, convenient or desirable to secure its bonds, or, except as otherwise provided in this act, as will tend to make the bonds more marketable notwithstanding that such covenants, acts, or things may not be enumerated in this act.

SEC. 150. In addition to all other rights which may be conferred on him, and subject only to any contractual restrictions binding upon him, an obligee may:

(a) By mandamus, suit, action, or proceeding, compel the community and its members, officers, agents, or employees, or any trustee designated under Section 147 of this act or otherwise, to perform each and every term, provision, and covenant contained in any contract of the community with or for the benefit of the obligee, and require the carrying out of any or all such covenants and agreements of the community and the fulfillment of all duties imposed upon it by this act.

(b) By suit, action, or proceeding in equity, enjoin any acts or things which may be unlawful, or the violation of any of the rights of the obligee.

SEC. 151. The bonds are issued for an essential public and governmental purpose, and together with interest on them and income from them are exempt from all taxes.

SEC. 152. Notwithstanding any restrictions on investments contained in any laws, the state and 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 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, money or other funds belonging to them or within their control in any bonds or other obligations issued by the community. Such bonds and other obligations are authorized security for all public deposits. It is one of the purposes of this act to authorize any persons, public agencies, political subdivisions, bodies and officers, public and private, to use any funds owned or controlled by them including, but not limited to, sinking, insurance, investment, retirement, compensation, pension, and trust funds, and funds held on deposit, for the purchase of any such bonds or other obligations. This act does not relieve any person, public agency, political subdivision, body or officer from any duty of exercising reasonable care in selecting securities.

SEC. 153. The community may purchase its bonds at prices offered. All bonds so purchased shall be canceled.

SEC. 154. Any plan may contain a provision that taxes, if any, levied upon taxable property in a 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 resolution approving the plan, adopted pursuant to Section 82 of this act 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 community 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 resolution adopted pursuant to Section 82 of this act, 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 the community on the effective date of such resolution adopted pursuant to Section 82 of this act but to which such territory has been annexed or otherwise included after such effective date, the assessment roll of the county last equalized prior to the effective date of said resolution shall be used in determining the assessed valuation of the taxable property in the community 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 community to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by the community to finance or refinance, in whole or in part, such project. Unless and until the total assessed valuation of the taxable property in the community exceeds the total assessed value of the taxable property in the community as shown by the last equalized assessment roll referred to in subdivision (a) of this section, all of the taxes levied and collected upon the taxable property in the community 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 the community shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

If the tax increment provision described in this section is added to the plan by change proceedings under Sections 83 to 85 of this act, inclusive, the references herein to the resolution adopted pursuant to Section 82 of this act shall be deemed to refer to the resolution ordering changes pursuant to Section 85 of this act.

SEC. 155. In any plan or in the proceedings for the advance of moneys, or making of loans, or the incurring of any indebtedness (whether funded, refunded, assumed, or otherwise) by the community to finance or refinance, in whole or in part, the project, the portion of taxes mentioned in subdivision (b) of Section 154 of this act may be irrevocably pledged for the payment of the principal of and interest on such loans, advances, or indebtedness.

Loans, advances, bonds or other obligations issued or incurred by the community shall not constitute a debt, liability or obligation of any of the taxing agencies, and every document evidencing such loans, advances, bonds or obligations shall substantially so recite.

SEC. 156. As used in this article the word "taxes" shall include, but without limitation, all levies on an ad valorem basis upon land or real property.

SEC. 157. Whenever property in the community is leased by the community to any person or persons or whenever the community leases real property to any person or persons for development or redevelopment, the property shall be assessed and taxed in the same manner as privately owned property, and the lease or contract shall provide that the lessee shall pay taxes upon the assessed value of the entire property and not merely the assessed value of his or its leasehold interest.

Article 10. Changes of Organization

SEC. 158. The District Reorganization Act of 1965 (Division 1 (commencing with Section 56000), Title 6, Government Code) shall apply to any changes of organization of the community.

CHAPTER 1110

An act to amend Sections 9255, 9301, 9307, 9308, 9310, and 9361 of, to amend and renumber Sections 9315, 9316, 9317, and 9319 of, to add Sections 9307, 9312, 9316, and 9351 to, and to repeal Sections 9307, 9312, 9313, 9314, 9318, and 9351 of, the Education Code, relating to textbooks, and calling a special election.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 9255 of the Education Code is amended to read:

9255. Any city, county, city and county, or district superintendent of schools or any principal of any elementary or secondary school under his charge, who refuses or neglects to require the use of the state-supplied textbooks available to the pupils of his schools or school district, or who shall require any pupil, except pupils in classes for adults or junior colleges, to purchase any supplementary book or books for the pupils' use in the school is guilty of a misdemeanor.

SEC. 2. Section 9301 of the Education Code is amended to read:

9301. It is the intention of the Legislature that in adopting this article, the Legislature considers that the annual expenditure for the provision of state-supplied textbooks should not be materially expanded over the existing levels of support. The board is, therefore, directed to consider this intent in its annual consideration of recommended textbook adoptions.

For purposes of any provision of the California Constitution which requires the adoption of a series of textbooks for use in the elementary schools, the board shall have the power, subject to the provisions of this chapter, to adopt one or more separate series of textbooks for any of the several courses offered in the elementary schools, or for any combination of such courses. For such purposes the term "elementary schools" shall have the meaning prescribed by Section 9301.5.

SEC. 3. Section 9307 of the Education Code is repealed.

SEC. 3.5. Section 9307 of the Education Code is amended to read:

9307. The board shall adopt for use in the elementary schools of the state basic textbooks for use in those subjects of the several elementary school grades in which the board shall determine the need and desirability for a basic textbook or basic textbooks to promote the maximum efficiency of pupil learning. The board shall distribute all basic textbooks on the basis of one such textbook for each pupil enrolled in the indicated grade level. The board shall determine the period for which each basic textbook is adopted, pursuant to Section 9315.

SEC. 4. Section 9307 is added to the Education Code, to read:

9307. The board shall adopt for use in the elementary schools of the state basic textbooks for use in those subjects of the several elementary school grades in which the board shall determine the need and desirability for a basic textbook or basic textbooks to promote the maximum efficiency of pupil learning, subject to the following provisions:

(a) The board shall adopt a minimum of one basic textbook per grade for the following subjects: (1) English, (2) arithmetic, (3) history and geography, (4) reading, and (5) science.

(b) The board may adopt a list not to exceed two basic textbooks for a given subject of a given grade, except that this number may be increased to three or four if such additional basic textbooks are intended to provide, at a given grade level: (1) for meeting the various learning ability levels of pupils, (2) for meeting the diverse educational needs of pupils with a language disability, or (3) for meeting the diverse educational needs of pupils caused by a condition of cultural disparity.

(c) Basic textbooks provided by the state to a school district in whatever manner shall not exceed a number necessary to provide each pupil enrolled in each subject with one basic textbook per subject. The board shall distribute all basic textbooks on the basis of one such textbook for each pupil enrolled in the indicated grade level.

(d) The board shall determine the period for which each basic textbook is adopted pursuant to Section 9313.

SEC. 5. Section 9308 of the Education Code is amended to read:

9308. The board shall, at the time of the adoption of basic textbooks as provided in Section 9307, provide a list of supplementary textbooks tentatively indicated for adoption for use in those subjects of the several elementary school grades for which the board shall determine the need and desirability for a supplementary textbook or supplementary textbooks to promote the maximum efficiency of pupil learning. The board shall establish a distribution schedule which shall set forth the recommended quantities of supplementary textbooks which shall be available to pupils and teachers. Such schedule shall include the estimated cost of each supplementary textbook. The board shall cause to be computed for each school district providing instruction in the elementary school grades an amount of textbook credit by subject matter adoption which shall be equal to the total of the estimated cost of all the supplementary textbooks which would be available to the school district under the conditions of the recommended distribution schedule. The board shall make this amount of textbook credit known to the school district. The board shall determine the period for which each supplementary textbook is adopted, consistent with the provisions of Section 9313.

SEC. 5.5. Section 9308 of the Education Code is amended to read:

9308. The board shall, at the time of the adoption of basic textbooks as provided in Section 9307, provide a list of supplementary textbooks tentatively indicated for adoption for use in those subjects of the several elementary school grades for which the board shall determine the need and desirability for a supplementary textbook or supplementary textbooks to promote the maximum efficiency of pupil learning. The board shall establish a distribution schedule which shall set forth the recommended quantities of supplementary textbooks which shall be available to pupils and teachers. Such schedule shall include the estimated cost of each supplementary textbook. The board shall cause to be computed for each school district providing instruction in the elementary school grades an amount of textbook credit which shall be equal to the total of the estimated cost of all the supplementary textbooks which would be available to the school district under the conditions of the recommended distribution schedule. The board shall make this amount of textbook credit known to the school district. The board shall determine the period for which each supplementary textbook is adopted, consistent with the provisions of Section 9313.

SEC. 6. Section 9310 of the Education Code is amended to read:

9310. The board shall cause to be acquired and distributed to school districts of the state providing instruction in the elementary school grades, appropriate basic textbooks to be used in the selection process as provided in Section 9316. The board shall determine the necessary quantities and distribution

pattern of such textbooks. However, in cases where the district does not qualify as a city school district, the county superintendent of schools shall receive for review by districts such basic textbooks.

SEC. 7. Section 9312 of the Education Code is repealed.

SEC. 8. Section 9312 is added to the Education Code, to read:

9312. The board shall make available basic textbooks under the conditions prescribed in Section 9307, and supplementary textbooks under the conditions prescribed in Sections 9308 and 9316, except that if a total of less than 25,000 copies of a given basic or supplementary textbook is selected on a statewide basis, such basic or supplementary textbook shall not be adopted.

SEC. 9. Section 9313 of the Education Code is repealed.

SEC. 10. Section 9314 of the Education Code is repealed.

SEC. 11. Section 9315 of the Education Code is amended and renumbered to read:

9313. The board shall determine the period for which each basic textbook or supplementary textbook or teachers' manual is adopted, which period shall not be less than four years nor more than eight years. After an original adoption period has expired, the board may extend the adoption period of such books for not less than one year nor more than four years.

SEC. 12. Section 9316 of the Education Code is amended and renumbered to read:

9314. The board shall make available copies of adopted textbooks in large print for pupils enrolled in the elementary schools whose visual acuity is 20/70 or less or who have other visual impairment making the use of such textbooks necessary. The board shall make available adopted textbooks in braille characters for pupils enrolled in elementary schools whose corrected visual acuity is 20/200 or less.

SEC. 13. Section 9316 is added to the Education Code, to read:

9316. The governing board of a school district maintaining one or more elementary school grades, in accordance with specific rules adopted by the board, shall:

(a) Select one or more basic textbooks consistent with the procedures and criteria established by the board for those subjects and grades for which a selection process is required or provided. The selection of such basic textbooks shall not exceed a number necessary to provide each pupil enrolled in each subject with one basic textbook per subject. The governing board shall require that all basic textbooks be used for instructional purposes in the appropriate grades and classes of the school district.

(b) Select from the list of supplementary textbooks tenta tively indicated for adoption by the board those textbooks that the governing board may determine to be necessary and desirable for use in the indicated subjects and grades of the

school district. Such supplementary textbooks may be selected in any number, without regard to the distribution schedule recommended by the board, except that the total computed costs of the selections shall not exceed the amount of computed textbook credit of the district pursuant to Section 9308. The titles so selected and the distribution schedule resulting therefrom shall become the supplementary textbooks distribution schedule available to such school district throughout the adoption period prescribed in Section 9313.

SEC. 14. Section 9317 of the Education Code is amended and renumbered to read:

9315. The board shall enter into a contract, whenever any plates, maps, or engravings of any publisher or author are adopted for use, or whenever any books are purchased, which shall be consistent with the provisions of Section 9313, and shall require a good and sufficient bond of the owners of the books, plates, maps, or engravings under a written guarantee that they shall be kept, revised, and free from all errors, and up to date as may be required by the board.

SEC. 15. Section 9318 of the Education Code is repealed.

SEC. 16. Section 9319 of the Education Code is amended and renumbered to read:

9317. Nothing in this article shall be construed as prohibiting the governing board of any school district, or any county library, from ordering and purchasing such supplementary textbooks as are required.

SEC. 17. Section 9351 of the Education Code is repealed.

SEC. 18. Section 9351 is added to the Education Code, to read:

9351. The board may compile in whole, or in part, and manufacture such textbooks as are now in use. The board may acquire textbooks and teachers' manuals included in a list adopted by the board for use in the elementary schools, by any one or more of the following means determined by the board to be in the best interests of the state:

(a) Purchase them.

(b) Compile them, or cause them to be compiled and manufacture them.

(c) Lease plates, maps, engravings, or copyright matter for use in manufacturing them.

(d) Contract for, or lease copyrights for use in compiling, printing, or publishing them.

(e) Provide for the payment of royalties or for the leasing of plates or making the whole or any part of a book, and do any or all things that may be necessary for the purpose of procuring textbooks for use in the elementary schools.

(f) Arrange for the printing of textbooks by the Department of General Services.

SEC. 18.5. Section 9351 is added to the Education Code, to read:

9351. The board may compile in whole, or in part, and manufacture such textbooks as are now in use. The board may acquire textbooks and teachers' manuals included in a list adopted by the board for use in the elementary schools, by any one or more of the following means determined by the board to be in the best interests of the state:

(a) Purchase them.

(b) Compile them, or cause them to be compiled and manufacture them.

(c) Lease plates, maps, engravings, or copyright matter for use in manufacturing them.

(d) Contract for, or lease copyrights for use in compiling, printing, or publishing them.

(e) Provide for the payment of royalties or for the leasing of plates or making the whole or any part of a book, and do any or all things that may be necessary for the purpose of procuring textbooks for use in the elementary schools.

(f) Arrange for the printing of textbooks by the Department of General Services.

(g) Produce or contract for the production of textbooks (including supplementary textbooks, reference books, dictionaries and other books used in public schools) in braille, large print, recordings or other media for the use of handicapped minors, including the visually handicapped.

SEC. 19. Section 9361 of the Education Code is amended to read:

9361. Contracts for the purchase of textbooks or teachers' manuals entered into by the board pursuant to Section 9315 shall, among other things, provide each of the following:

(a) That the textbook or teachers' manual shall be sold at a price at the state warehouse in Sacramento which, including all costs of transportation to that place, shall not exceed the lowest price at which the seller offers the textbook or teachers' manual for sale to any state or school district in the United States.

(b) That, if at any time during the term of said contract the textbook or teachers' manual should be sold at a lesser price to any state or school district in the United States under an agreement entered into or amended as to price after the date of said contract, said lesser price shall forthwith become the price at which the textbook or teachers' manual shall be sold in California pursuant to such contract.

(c) That, if at any time during the term of said contract the textbook or teachers' manual shall be offered to any state or school district in the United States under terms and conditions which, when construing the contract as a whole, are more favorable to the purchaser than those applicable under the contract, said terms and conditions shall become applicable at the option of the board to all textbooks or teachers' manuals thereafter furnished pursuant to such contract.

(d) That, upon the willful failure of the seller to comply with the requirements of the contract specified by this section, the seller shall be liable to the State of California in the amount of three times the total sum which the seller was paid in excess of the price required under subdivision (a) or (b) of this section, and in the amount of three times the total value to the state of the performance of the terms and conditions to which the state is entitled under subdivision (c) of this section.

SEC. 20. (a) A special election is hereby called to be held throughout the state on the second day of June, 1970. The special election shall be consolidated with the direct primary 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 and ballot pamphlet 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, Assembly Constitutional Amendment No. 60 proposed by the Legislature at the 1969 Regular Session Except as otherwise provided in this act, 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 act.

(b) Within 30 days after either the effective date of this act or the adoption by the Legislature of Assembly Constitutional Amendment No. 60, whichever occurs later, the author of each such amendment and one member of the opposite house who voted with the majority on the amendment shall be appointed by the presiding officers of the respective houses to draft the argument for the adoption of the measure. If such 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 60 days after either the effective date of this act or the adoption by the Legislature of Assembly Constitutional Amendment No. 60, whichever occurs later.

(c) Within 30 days after either the effective date of this act or the adoption by the Legislature of Assembly Constitutional Amendment No. 60, whichever occurs later, the Secretary of State shall request the Attorney General to prepare a ballot title for the measure submitted pursuant to this act and shall also request the Legislative Counsel to prepare an analysis of the measure in accordance with Section 3566 of the Elections Code. The title and the analysis shall be filed with the Secretary of State within 60 days after either the effective date of

this act or the adoption by the Legislature of Assembly Constitutional Amendment No. 60, whichever occurs later. The measure submitted pursuant to this act shall be designated on the ballot 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. 21. Sections 1 to 3, inclusive, Sections 4 and 5, and Sections 6 to 19, inclusive, of this act shall become operative only if Assembly Constitutional Amendment No. 60 of the 1969 Regular Session is approved by the electors, at which time Section 3.5 of this act shall cease to be operative.

SEC. 22. It is the intent of the Legislature, if the repeal and addition of Section 9351 of the Education Code proposed by this bill, and the amendment of that section proposed by Senate Bill No. 822 are both enacted, that both amendments to the law be given effect and incorporated in the form of Section 9351 set forth in Section 18.5 of this act. Therefore, in the event that Senate Bill No. 822 is enacted and amends Section 9351, and in the event that Assembly Constitutional Amendment No. 60 is approved by the electors, Section 18.5 of this act shall become operative when both Assembly Constitutional Amendment No. 60 has been approved by the electors, and Section 9351 as amended by Senate Bill No 822 has become operative, and at the same time Section 9351 of the Education Code, as added by Section 18 of this act is repealed.

SEC. 23. It is the intent of the Legislature, if amendments to Section 9308 of the Education Code proposed by both this bill and Assembly Bill No. 1489 are enacted, that both amendments be given effect and incorporated in Section 9308 in the form set forth in Section 5.5 of this act. Therefore, in the event Assembly Bill No. 1489 is enacted and amends Section 9308, Section 5.5 of this act shall become operative at the same time that Section 9308 as amended by Assembly Bill No. 1489 becomes operative, and at that time, Section 9308 of the Education Code as amended by Section 5 of this act is repealed.

CHAPTER 1111

An act to amend the heading of Chapter 5 (commencing with Section 13960) of Part 4 of Division 3 of, to add an article heading immediately preceding Section 13960 of, and to add Article 2 (commencing with Section 13970) to Chapter 5 of Part 4 of Division 3 of, the Government Code, and to repeal Title 5 (commencing with Section 13600) of Part 4 of the Penal Code, relating to indemnification of private citizens.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 29, 1969]

The people of the State of California do enact as follows:

SECTION 1. The heading of Chapter 5 (commencing with Section 13960) of Part 4 of Division 3 of the Government Code is amended to read:

CHAPTER 5. INDEMNIFICATION OF PRIVATE CITIZENS

SEC. 2. An article heading is added immediately preceding Section 13960 of the Government Code, to read:

Article 1. Victims of Crime

SEC. 3. Article 2 (commencing with Section 13970) is added to Chapter 5 of Part 4 of Division 3 of the Government Code, to read:

Article 2. Citizens Benefiting the Public

13970. Direct action on the part of private citizens in preventing the commission of crimes against the person or property of others, or in apprehending criminals, benefits the entire public. In recognition of the public purpose served, the state may indemnify such citizens, their widows, and their surviving children in appropriate cases for any injury, death, or damage sustained by such citizens, their widows, or their surviving children as a direct consequence of such meritorious action to the extent they are not compensated for the injury, death, or damage from any other source.

13971. As used in this article, "private citizen" means any natural person other than a peace officer.

13972. In the event a private citizen incurs personal injury or death or damage to his property in preventing the commission of a crime against the person or property of another, in apprehending a criminal, or in materially assisting a peace officer in prevention of a crime or apprehension of a criminal, the private citizen, his widow, his surviving children, or a law enforcement agency acting on his or their behalf may file a claim with the State Board of Control for indemnification to the extent that the claimant is not compensated from any other source for such injury, death, or damage. The claim shall generally show:

(a) The date, place and other circumstances of the occurrence or events which gave rise to the claim;

(b) A general description of the activities of the private citizen in prevention of a crime or apprehension of a criminal;

(c) The amount or estimated amount of the injury, death, or damage sustained for which the claimant is not compensated from any other source, insofar as it may be known at the time of the presentation of the claim;

(d) Such other information as the Board of Control may require.

The claim shall be accompanied by a corroborating statement and recommendation from the appropriate state or local law enforcement agency.

13973. Upon presentation of any such claim, the Board of Control shall fix a time and place for the hearing of the claim, and shall mail notices thereof to interested persons or agencies and to the Attorney General. At the hearing, the board shall receive recommendations from the Attorney General and law enforcement agencies, and evidence showing:

(a) The nature of the crime committed by the apprehended criminal or prevented by the action of the private citizen, and the circumstances involved;

(b) That the actions of the private citizen substantially and materially contributed to the apprehension of a criminal or to the prevention of a crime;

(c) That as a direct consequence, the private citizen incurred personal injury or damage to property or died;

(d) The extent of such injury or damage for which the claimant is not compensated from any other source;

(e) Such other evidence as the board may require.

If the board determines, on the basis of such evidence, that the state should indemnify the claimant for the injury, death, or damage sustained, it shall submit a report of the facts and its conclusion to the Legislature, and a recommendation that an appropriation be made by the Legislature for the purposes of indemnifying the claimant. In no event shall a claim be approved by the board under this article in excess of five thousand dollars ($5,000).

13974. The Board of Control is hereby authorized to make all needful rules and regulations consistent with the law for the purpose of carrying into effect the provisions of this act.

SEC. 3.5. Article 2 (commencing with Section 13970) is added to Chapter 5 of Part 4 of Division 3 of the Government Code, to read:

Article 2. Citizens Benefiting the Public

13970. Direct action on the part of private citizens in preventing the commission of crimes against the person or property of others, or in apprehending criminals, or rescuing a person in immediate danger of injury or death as a result of fire, drowning, or other catastrophe, benefits the entire public. In recognition of the public purpose served, the state may indemnify such citizens, their widows, and their surviving children in appropriate cases for any injury, death, or damage sustained by such citizens, their widows or their surviving children as a direct consequence of such meritorious action to the extent that they are not compensated for the injury, death, or damage from any other source.

13971. As used in this article, "private citizen" means any natural person other than a peace officer, fireman, lifeguard,

or person whose employment includes the duty to protect the public safety acting within the course and scope of such employment.

13972. In the event a private citizen incurs personal injury or death or damage to his property in preventing the commission of a crime against the person or property of another, in apprehending a criminal, or in materially assisting a peace officer in prevention of a crime or apprehension of a criminal, or rescuing a person in immediate danger of injury or death as a result of fire, drowning, or other catastrophe, the private citizen, his widow, his surviving children, or a public safety agency acting on his or their behalf may file a claim with the State Board of Control for indemnification to the extent that the claimant is not compensated from any other source for such injury, death, or damage. The claim shall generally show:

(a) The date, place and other circumstances of the occurrence or events which gave rise to the claim;

(b) A general description of the activities of the private citizen in prevention of a crime, apprehension of a criminal, or rescuing a person in immediate danger of injury or death as a result of fire, drowning, or other catastrophe;

(c) The amount or estimated amount of the injury, death, or damage sustained for which the claimant is not compensated from any other source, insofar as it may be known at the time of the presentation of the claim;

(d) Such other information as the Board of Control may require.

The claim shall be accompanied by a corroborating statement and recommendation from the appropriate state or local law enforcement agency.

13973. Upon presentation of any such claim, the Board of Control shall fix a time and place for the hearing of the claim, and shall mail notices thereof to interested persons or agencies and to the Attorney General. At the hearing, the board shall receive recommendations from the Attorney General and law enforcement agencies, and evidence showing:

(a) The nature of the crime committed by the apprehended criminal or prevented by the action of the private citizen, or the nature of the action of the private citizen in rescuing a person in immediate danger of injury or death as a result of fire, drowning, or other catastrophe, and the circumstances involved;

(b) That the actions of the private citizen substantially and materially contributed to the apprehension of a criminal, the prevention of a crime, or the rescuing of a person in immediate danger of injury or death as a result of fire, drowning, or other catastrophe;

(c) That as a direct consequence, the private citizen incurred personal injury or damage to property or died;

(d) The extent of such injury or damage for which the claimant is not compensated from any other source;

(e) Such other evidence as the board may require.

If the board determines, on the basis of such evidence, that the state should indemnify the claimant for the injury, death, or damage sustained, it shall submit a report of the facts and its conclusion to the Legislature, and a recommendation that an appropriation be made by the Legislature for the purposes of indemnifying the claimant. In no event shall a claim be approved by the board under this article in excess of five thousand dollars ($5,000).

13974. The Board of Control is hereby authorized to make all needful rules and regulations consistent with the law for the purpose of carrying into effect the provisions of this act.

SEC. 4. Title 5 (commencing with Section 13600) of Part 4 of the Penal Code is repealed.

SEC. 5. It is the intent of the Legislature, if the additions of Article 2 (commencing with Section 13970) to Chapter 5 of Part 4 of Division 3 of the Government Code proposed by both this bill and S.B. 108 are enacted, that both additions be given effect and incorporated in Article 2 in the form set forth in Section 3.5 of this act. Therefore, in the event S.B. 108 is enacted and adds Article 2, Section 3.5 of this act shall become operative at the same time that Article 2 as added by S.B. 108 becomes operative, and at that time, Article 2 (commencing with Section 13970) of Chapter 5 of Part 4 of Division 3 of the Government Code as added by Section 3 of this act is repealed.

CHAPTER 1112

An act to amend Section 3365 of the Labor Code, relating to workmen's compensation, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 29, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 3365 of the Labor Code is amended to read:

3365. For the purposes of this division:

(a) Notwithstanding Sections 2700, 2766, and 2791 of the Penal Code, except as provided in subdivisions (b) and (c), each person engaged in suppressing a fire pursuant to Section 4153 or 4436 of the Public Resources Code, and each person (other than an independent contractor or an employee of an independent contractor) engaged in suppressing a fire at the request of a public officer or employee charged with the duty of preventing or suppressing fires, is deemed, except when the entity is the United States or an agency thereof, to be an employee of the public entity that he is serving or assisting in the

suppression of the fire, and is entitled to receive compensation from such public entity in accordance with the provisions of this division. When the entity being served is the United States or an agency thereof the State Department of Corrections shall be deemed the employer and the cost of workmen's compensation may be considered in fixing the reimbursement paid by the United States for the service of prisoners. A person is engaged in suppressing a fire only during the period he (1) is actually fighting the fire, (2) is being transported to or from the fire, or (3) is engaged in training exercises for fire suppression.

(b) A member of the armed forces of the United States while serving under military command in suppressing a fire is not an employee of a public entity.

(c) Neither a person who contracts to furnish aircraft with pilots to a public entity for fire prevention or suppression service, nor his employees, shall be deemed to be employees of the public entity; but a person who contracts to furnish aircraft to a public entity for fire prevention or suppression service and to pilot the aircraft himself shall be deemed to be an employee of the public entity.

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 necessary to provide protection to those people assigned to federal forest camps during the fire season who risk injury in the performance of their duty.

CHAPTER 1113

An act to amend Sections 6820 and 18102 of the Education Code, relating to handicapped minors.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 29, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 6820 of the Education Code is amended to read:

6820. On and after September 1, 1955, no person shall be employed to teach blind, partially seeing, deaf, hard of hearing, speech handicapped, or orthopedically handicapped minors in a special day or remedial class for such minors who does not hold a valid credential authorizing such teaching or a designated subject credential in the area of vocational education. Nothing herein shall be deemed to prohibit the employment, as a substitute teacher of each such special day class for not more than 20 schooldays in any school year, of

a person holding some other valid credential authorizing substitute teaching.

SEC. 2. 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 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, or for individual supplemental instruction in vocational arts, business arts, or homemaking 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).

CHAPTER 1114

An act to amend Section 9351 of, to add Sections 9316.1, 9316.2, and 9351 to, and to repeal Section 9351 of, the Education Code, relating to textbooks.

[Approved by Governor August 28, 1969. Filed with Secretary of State August 29, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 9316.1 is added to the Education Code, to read:

9316.1. The State Board of Education shall specify and call for bids on any textbook (including supplementary textbooks, reference books, dictionaries and other books used in public schools). Each contract executed shall include the right to transcribe and reproduce the book in braille, large print, recordings or other media for use of handicapped minors, including the visually handicapped, unable to use the book in conventional print and form. Such right shall include those corrections, revisions, editorial changes, deletions, format alterations, and other similar modifications as required for the use of handicapped minors, including the visually handicapped.

SEC. 2. Section 9316.2 is added to the Education Code, to read:

9316.2. Any contract for the right to print, publish, and distribute any textbook (including supplementary textbooks, reference books, dictionaries and books used in public schools) shall specify that the royalty, if required, for such books transcribed or reproduced in braille, large print, recordings or other media for use of handicapped minors including the visually handicapped shall be that specified in the contract for the regular inkprint textbooks designed for nonhandicapped pupils. Any contract for the purchase of textbooks (including supplementary textbooks, reference books, dictionaries and books used in public schools) shall establish a royalty, if required, for permission to transcribe or reproduce in braille, large print, recordings or other media for use of handicapped minors, including the visually handicapped.

SEC. 3. Section 9351 of the Education Code is amended to read:

9351. The State Board of Education may:

(a) Compile in whole, or in part, and manufacture such textbooks as are now in use.

(b) Compile, or cause to be compiled and manufacture such other additional textbooks or books as it may deem necessary or proper for use in the elementary schools of the state.

(c) Purchase books when necessary, or lease plates, maps, engravings, or copyright matter for use in manufacturing textbooks.

(d) Contract for, or lease copyrights for use in compiling, printing, or publishing textbooks.

(e) Provide for the payment of royalties or for the leasing of plates or making the whole or any part of a book, and do any or all things that may be necessary for the purpose of procuring a uniform series of textbooks for use in the elementary day and evening schools of this state.

(f) Arrange for the printing of textbooks by the State Department of General Services.

(g) Produce or contract for the production of textbooks (including supplementary textbooks, reference books, dictionaries and other books used in public schools) in braille, large print, recordings or other media for the use of handicapped minors, including the visually handicapped

SEC. 4. Section 9351 of the Education Code is repealed.

SEC. 5. Section 9351 is added to the Education Code, to read:

9351. The board may compile in whole, or in part, and manufacture such textbooks as are now in use. The board may acquire textbooks and teachers' manuals included in a list adopted by the board for use in the elementary schools, by any one or more of the following means determined by the board to be in the best interests of the state:

(a) Purchase them.

(b) Compile them, or cause them to be compiled and manufacture them.

(c) Lease plates, maps, engravings, or copyright matter for use in manufacturing them.

(d) Contract for, or lease copyrights for use in compiling, printing, or publishing them.

(e) Provide for the payment of royalties or for the leasing of plates or making the whole or any part of a book, and do any or all things that may be necessary for the purpose of procuring textbooks for use in the elementary schools.

(f) Arrange for the printing of textbooks by the Department of General Services.

(g) Produce or contract for the production of textbooks (including supplementary textbooks, reference books, dictionaries and other books used in public schools) in braille, large print, recordings or other media for the use of handicapped minors, including the visually handicapped.

SEC. 6. It is the intent of the Legislature, if the amendment to Section 9351 of the Education Code proposed by this bill, and the repeal and addition of that section proposed by S.B. 225 are both enacted, that both amendments to the law be given effect and incorporated in Section 9351 in the form set forth in Section 5 of this act. Therefore, in the event S.B. 225 is enacted and repeals and adds Section 9351, Sections 4 and 5 of this act shall become operative at the same time that Section 9351 as repealed and added by S.B. 225 becomes operative and at that time, Section 9351 of the Education Code as amended by Section 3 of this act is repealed.

CHAPTER 1115

An act to amend and renumber the heading of Chapter 2 (commencing with Section 8300) of Part 2 of Division 5 of, to add Chapter 2 (commencing with Section 8325) to Part 2 of Division 5 of, and to repeal Section 8300.1 of, the Water Code, relating to state flood control.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 29, 1969]

The people of the State of California do enact as follows:

SECTION 1. The heading of Chapter 2 (commencing with Section 8300) of Part 2 of Division 5 of the Water Code is amended and renumbered to read:

CHAPTER 1. GENERAL POWERS OF DEPARTMENT OF WATER RESOURCES

SEC. 2. Section 8300.1 of the Water Code is repealed.

SEC. 3. Chapter 2 (commencing with Section 8325) is added to Part 2 of Division 5 of the Water Code, to read:

CHAPTER 2. COOPERATION IN NATIONAL FLOOD INSURANCE PROGRAM

8325. The Legislature finds and declares the following:

(a) A large portion of the land resources of the state is subject to recurrent flooding causing loss of life and property, and there is a recognized public need in the state for flood insurance.

(b) The public interest will be served by state cooperation under a national flood insurance program, such as the National Flood Insurance Act of 1968 (Public Law 90-448; 82 Stat. 572).

8326. For the purpose of providing state cooperation under a national flood insurance program, the department may:

(a) Cooperate with the United States in carrying out studies and investigations with respect to the adequacy of local measures in flood-prone areas as to land management and use, flood control, flood zoning, and flood damage prevention.

(b) Review and comment upon applications of local public agencies to the United States for making flood insurance available in specific areas.

(c) Provide assistance to local public agencies by furnishing information on flood plains and in developing flood plain management plans.

CHAPTER 1116

An act to amend Sections 22651, 22655, 22656, 22702, 22855, and 22856, of the Vehicle Code, relating to motor vehicles.

[Approved by Governor August 28, 1969 Filed with Secretary of State August 29, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 22651 of the Vehicle Code is amended to read:

22651. Any member of the California Highway Patrol or any regularly employed and salaried deputy of the sheriff's office of a county in which a vehicle is located or any regularly employed and salaried officer of a police department in a city in which a vehicle is located, or any regularly employed and salaried officer of the University of California Police Department on a campus or in or about other grounds or properties owned, operated, controlled, or administered by the Regents of the University of California on or in which a vehicle is located, may remove a vehicle from a highway under the following circumstances:

(a) When any vehicle is left unattended upon any bridge, viaduct or causeway or in any tube or tunnel where the vehicle constitutes an obstruction to traffic.

(b) When any vehicle is left standing upon a highway in such a position as to obstruct the normal movement of traffic.

(c) When any vehicle is found upon a highway and report has previously been made that the vehicle has been stolen or complaint has been filed and a warrant thereon issued charging that the vehicle has been embezzled.

(d) When any vehicle is illegally parked so as to block the entrance to a private driveway and it is impractical to move such vehicle from in front of the driveway to another point on the highway.

(e) When any vehicle is illegally parked so as to prevent access by firefighting equipment to a fire hydrant and it is impracticable to move such vehicle from in front of the fire hydrant to another point on the highway.

(f) When any vehicle, except any highway maintenance or construction equipment, is left unattended for more than four hours upon the right-of-way of any freeway which has full control of access and no crossings at grade.

(g) When the person or persons in charge of a vehicle upon a highway are by reason of physical injuries or illness incapacitated to such an extent as to be unable to provide for its custody or removal.

(h) When an officer arrests any person driving or in control of a vehicle for an alleged offense and the officer is by this code or other law required or permitted to take and does take

the person arrested before a magistrate without unnecessary delay.

(i) When any vehicle registered in a foreign jurisdiction is found upon a highway and it is known to have been issued five or more notices of parking violation over a period of five or more days, to which the owner or person in control of the vehicle has failed to respond, the vehicle may be impounded until such person furnishes to the impounding police agency evidence of his identity and an address within this state at which he can be located. A notice of a parking violation issued to such vehicle shall be accompanied by a warning that repeated violations may result in the vehicle being impounded.

(j) When any vehicle is found illegally parked and there are no license plates or other evidence of registration displayed the vehicle may be impounded until the owner or person in control of the vehicle furnishes the impounding police agency evidence of his identity and an address within this state at which he can be located.

SEC. 2. Section 22655 of the Vehicle Code is amended to read:

22655. When any member of the California Highway Patrol, or any regularly employed and salaried officer of a police department in a city, or sheriff's department authorized to enforce the provisions of this code pursuant to Section 26613 of the Government Code, or any regularly employed and salaried officer of the University of California Police Department on a campus or in or about other grounds or properties owned, operated, controlled or administered by the Regents of the University of California, has reasonable cause to believe that a motor vehicle on a highway has been involved in a hit-and-run accident, and the operator of the vehicle has failed to stop and comply with the provisions of Sections 20002, through 20006, inclusive, the officer may remove the vehicle from the highway for the purpose of inspection. Unless sooner released, the vehicle shall be released upon the expiration of 24 hours after such removal from the highway upon demand of the owner.

SEC. 3. Section 22656 of the Vehicle Code is amended to read:

22656. Any member of the California Highway Patrol or any regularly employed and salaried deputy of the sheriff's office of a county in which a vehicle is located or any regularly employed and salaried officer of a police department in a city in which a vehicle is located or any regularly employed and salaried officer of the University of California Police Department on a campus or in or about other grounds or properties owned, operated, controlled or administered by the Regents of the University of California on or in which a vehicle is located may remove a vehicle from a railroad right-of-way if the vehicle is parked upon any railroad track or within 7½ feet of the nearest rail.

SEC. 4. Section 22702 of the Vehicle Code is amended to read:

22702. (a) Any member of the California Highway Patrol or any regularly employed and salaried deputy or other employee of the sheriff's office of a county in which a vehicle is located or any regularly employed and salaried officer or other employee of a police department in a city in which a vehicle is located who has reasonable grounds to believe that the vehicle has been abandoned, may remove the vehicle from a highway or from public or private property.

(b) Any member of the California State Police who has reasonable grounds to believe that a vehicle has been abandoned upon property owned by the state, or rented or leased from others by the state, or property of a district agricultural association as to which the California State Police is providing policing services, may remove the vehicle from such property.

(c) Any regularly employed and salaried officer or other employee of the University of California Police Department who has reasonable grounds to believe that a vehicle has been abandoned on a campus or in or about other grounds or properties owned, operated, controlled or administered by the Regents of the University of California may remove the vehicle from such property.

(d) The public agency employing the officer shall make an appraisal of any such vehicle either prior to or within five days after removal.

SEC. 5. Section 22855 of the Vehicle Code is amended to read:

22855 The following persons shall have the authority to make appraisals of the value of vehicles for purposes of this chapter, subject to the conditions stated in this chapter:

(a) Any member of the California Highway Patrol designated by the commissioner.

(b) Any regularly employed and salaried deputy sheriff or other employee designated by the sheriff of any county.

(c) Any regularly employed and salaried police officer or other employee designated by the chief of police of any city.

(d) Any officer or employee of the Department of Motor Vehicles designated by the director of said department.

(e) Any member of the California State Police designated by the chief thereof.

(f) Any regularly employed and salaried police officer or other employee of the University of California Police Department designated by the chief thereof.

SEC. 6. Section 22856 of the Vehicle Code is amended to read:

22856. The commissioner, Chief of the California State Police, Chief of the University of California Police Department, or any sheriff or chief of police who designates a person authorized to make appraisals shall certify the name of every

such person to the Department of Motor Vehicles in Sacramento.

SEC. 7. Section 22702 of the Vehicle Code is amended to read:

22702. (a) Any member of the California Highway Patrol or any regularly employed and salaried deputy or other employee of the sheriff's office of a county in which a vehicle is located or any regularly employed and salaried officer or other employee of a police department in a city in which a vehicle is located who has reasonable grounds to believe that the vehicle has been abandoned, may remove the vehicle from a highway or from public or private property.

(b) Any member of the California State Police who has reasonable grounds to believe that a vehicle has been abandoned upon property owned by the state, or rented or leased from others by the state, or property of a district agricultural association as to which the California State Police is providing policing services, may remove the vehicle from such property.

(c) Any regularly employed and salaried officer or other employee of the University of California Police Department who has reasonable grounds to believe that a vehicle has been abandoned on a campus or in or about other grounds or properties owned, operated, controlled or administered by the Regents of the University of California may remove the vehicle from such property.

(d) Any policeman appointed or employed by the board of directors of a regional park district who has reasonable grounds to believe that a vehicle has been abandoned upon property owned by the regional park district or rented or leased from others by the regional park district, may remove the vehicle from such property.

(e) The public agency employing the officer shall make an appraisal of any such vehicle either prior to or within five days after removal.

SEC. 8. It is the intent of the Legislature, if amendments to Section 22702 of the Vehicle Code proposed by both this bill and A.B. 1243 are enacted, that both amendments be given effect and incorporated in Section 22702 in the form set forth in Section 7 of this act. Therefore, in the event A.B. 1243 is enacted and amends Section 22702, Section 7 of this act shall become operative at the same time that Section 22702 as amended by A.B. 1243 becomes operative, and at that time, Section 22702 of the Vehicle Code as amended by Section 4 of this act is repealed.

CHAPTER 1117

An act to add Section 851.6 to the Penal Code, relating to records of arrest.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 851.6 is added to the Penal Code, to read:

851.6. In any case in which a person is arrested without a warrant and is released without being formally charged with a crime pursuant to paragraph (1) of subdivision (b) of Section 849, such person shall be issued a certificate, signed by the releasing officer or his superior officer, describing the action as a detention. The Attorney General shall prescribe the form and content of such certificate.

CHAPTER 1118

An act to amend Section 14157 of the Education Code, and to amend Section 14083 of the Education Code, as proposed by Assembly Bill No. 1728, relating to the State Teachers' Retirement Law.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 14157 of the Education Code is amended to read:

14157. Any person whose contributions were repaid to him and who has or will qualify for the receipt of a retirement allowance from the Public Employees' Retirement System as a state member of that system, or as an employee of a local school district or of a county superintendent of schools, or from the retirement system of the University of California, or the Legislators' Retirement System shall have the right to reenter this system and to redeposit the contributions repaid to him, with interest, as provided in Section 14155, without being employed in a status requisite for membership in this system. Such redeposit shall be in the form of a single lump sum payment. A person who is reinstated to membership on account of this section shall not be entitled to receive credit for service which might otherwise be creditable under the provisions of Section 14067.

SEC. 2. Section 14083 of the Education Code as proposed by Assembly Bill No. 1728 is amended to read:

14083. Any person whose contributions were refunded to him and who has received, or will qualify for the receipt of a retirement allowance from the Public Employees' Retirement System as a state member of that system, or as an employee of a local school district or of a superintendent, or from the retirement system of the University of California or the Legislators' Retirement System has the right to reenter this system

and to redeposit the contributions refunded to him, with regular interest, without being employed in a status requisite for membership in this system.

Such redeposit shall be in the form of a single lump sum payment.

A person who is reinstated to membership on account of this section is not entitled to receive credit for service which might otherwise be creditable under the provisions of Section 14399 relating to credit for service rendered outside the state prior to July 1, 1944.

SEC. 3. Section 2 of this act shall become operative only if Section 14083 of the Education Code as proposed by Assembly Bill No. 1728 is enacted by the Legislature at its 1969 Regular Session, and in such case at the same time as Assembly Bill No. 1728 takes effect; at which time Section 14157 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 1119

An act to amend Section 12076 of the Penal Code and to add Sections 8104 and 8105 to the Welfare and Institutions Code, relating to control of firearms.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 12076 of the Penal Code is amended to read:

12076. The purchaser of any firearm capable of being concealed upon the person shall sign, and the dealer shall require him to sign his legal name and affix his residence address and date of birth to the register in triplicate, and the salesman shall affix his signature in triplicate as a witness to the signature of the purchaser. Any person furnishing a fictitious name or address or knowingly furnishing an incorrect birth date and any person violating any of the provisions of this section is guilty of a misdemeanor.

The triplicate sheet of the register shall, on the date of sale, be placed in the mail, postage prepaid, and properly addressed to the State Bureau of Criminal Identification and Investigation at Sacramento and the duplicate shall be mailed, postage prepaid, to the chief of police, or other head of the police department of the city or county wherein the sale is made. Where the sale is made in a district where there is no municipal police department the duplicate sheet shall be mailed to the sheriff of the county wherein the sale is made.

If, on receipt of the triplicate sheet, it appears to the bureau that the purchaser resides in a district other than that to

which the duplicate is required to be mailed, the bureau shall make an additional copy and transmit it to the head of the municipal police department, if any, in the district in which the purchaser resides or, if none, to the sheriff of the county in which he resides.

If the bureau determines that the purchaser is a person described in Section 12021 of this code or Section 8100 or 8103 of the Welfare and Institutions Code, it shall immediately notify the dealer of such fact.

SEC. 2. Section 8104 is added to the Welfare and Institutions Code, to read:

8104. The Department of Mental Hygiene shall keep and maintain records necessary to identify any person who comes within any of the provisions of this chapter. Such records shall be made available to the State Bureau of Criminal Identification and Investigation upon request. The State Bureau of Criminal Identification and Investigation shall make such requests only with respect to its duties under Chapter 1 (commencing with Section 12000) of Title 2 of Part 4 of the Penal Code. Such records shall not be furnished or made available to any person unless the bureau determines that disclosure of any information in such records is necessary to carry out its duties under Chapter 1 (commencing with Section 12000) of Title 2 of Part 4 of the Penal Code.

SEC. 3. Section 8105 is added to the Welfare and Institutions Code, to read:

8105. Upon request of the Department of Mental Hygiene, each public and private mental hospital, sanitarium, and institution shall submit to the department such information with respect to mental patients and former mental patients as the department deems necessary to carry out its duties under Section 8104.

SEC. 4. Section 3 of this act shall become operative July 1, 1971.

CHAPTER 1120

An act to amend Sections 4014, 5604, and 5650 of the Welfare and Institutions Code, relating to psychiatric technicians.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 4014 of the Welfare and Institutions Code is amended to read:

4014. In order to assure an adequate number of qualified psychiatric technicians, psychiatrists, physicians and surgeons, psychologists, nurses, social workers, laboratory and other technicians, and ancillary workers, the department shall negotiate with any or all of the following: the University of

California, the state colleges, the junior colleges, private universities and colleges, and public and private hospitals, and arrange such affiliations or make such contracts for educational or training programs and award training grants or stipends as may be necessary. Arrangements may be made in the hospitals and clinics operated by the department for the clinical experience essential to such educational and training programs, and positions in the department as interns and residents may be established.

SEC. 2. Section 5604 of the Welfare and Institutions Code is amended to read:

5604. Each community mental health service shall have an advisory board of 14 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, a psychiatric technician, 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.

SEC. 3. Section 5650 of the Welfare and Institutions Code is amended to read:

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, psychiatric technicians, 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.

SEC. 4. Section 5604 of the Welfare and Institutions Code is amended to read:

5604. Each community mental health service shall have an advisory board of 14 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, a psychiatric technician, 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.

If two local agencies jointly establish a community health service under Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, the advisory board for such community mental health service shall consist of an additional two members, one of whom shall be the chairman of the second governing body, such that the chairmen of both local agencies are members, and the second of whom shall be an additional person representative of the public interest in mental health, mental retardation, and alcoholism.

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-time or part-time county employee of the county mental health service, an employee of the State of California, 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.

SEC. 5. It is the intent of the Legislature, if amendments to Section 5604 of the Welfare and Institutions Code proposed by both this bill and A B. 986 are enacted, that both amendments be given effect and incorporated in Section 5604 in the form set forth in Section 4 of this act Therefore, in the event A.B. 986 is enacted and amends Section 5604, Section 4 of this act shall become operative on the effective date of this act and Section 2 of this act shall not take effect.

CHAPTER 1121

An act to add Section 7927 to the Public Resources Code, relating to the State Lands Commission.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 7927 is added to the Public Resources Code, to read:

7927. Whenever the commission receives a plat of a survey pursuant to the provisions of Section 27564 of the Government Code, any action by the commission to contest such survey shall be commenced within 90 days from the date of receipt of the plat of the survey.

CHAPTER 1122

An act to add Section 602.10 to the Penal Code, relating to obstruction of college and university teachers or students.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 602.10 is added to the Penal Code, to read:

602.10. Every person who, by physical force and with the intent to prevent attendance or instruction, willfully ob-

structs or attempts to obstruct any student or teacher seeking to attend or instruct classes at any of the campuses or facilities owned, controlled, or administered by the Regents of the University of California, the Trustees of the California State Colleges, or the governing board of a junior college district or school district maintaining a junior college shall be punished by a fine not exceeding five hundred dollars ($500), by imprisonment in a county jail for a period of not exceeding one year, or by both such fine and imprisonment.

As used in this section, "physical force" includes, but is not limited to, use of one's person, individually or in concert with others, to impede access to or movement within or otherwise to obstruct the students and teachers of the classes to which the premises are devoted.

CHAPTER 1123

An act to amend Sections 23322, 23394, 23396, 23399, 23401, 23402, 24045 and 24048 of, and to add Section 24045.1 to, the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 23322 of the Business and Professions Code is amended to read:

23322. The fees specified in Sections 23320 and 23321 shall be reduced 25 percent for each full quarter of a year elapsing between the first day of the year for which the license is issued and the date on which the application for the license is filed with the department; except that when an application clearly indicates that the applicant does not desire to exercise the privileges granted by the license applied for until on or after the beginning of the quarterly period following the quarterly period in which the application is filed with the department, such fees shall be reduced 25 percent for each full quarter of a year elapsing between the first day of the year for which the license is issued and the date so indicated in the application. In no event shall any license, other than a temporary on-sale beer or wine license or a daily on-sale general license issued pursuant to Section 24045.1, be issued for any period for a fee less than one-half of the annual license fee.

SEC. 2. Section 23394 of the Business and Professions Code is amended to read:

23394. An off-sale general license includes the privileges specified in Section 23393 and authorizes the sale, to consumers only and not for resale, except to holders of daily on-sale general licenses issued pursuant to Section 24045.1, of distilled

spirits in packages of not more than one gallon and in packages containing not less than one-half pint, for consumption off the premises where sold.

SEC. 3. Section 23396 of the Business and Professions Code is amended to read:

23396. Any on-sale license authorizes the sale of the alcoholic beverage specified in the license for consumption on the premises where sold. No alcoholic beverages, other than beers, may be sold or served in any bona fide public eating place for which an on-sale license has been issued unless the premises comply with the requirements prescribed in Section 23038, 23038.1, or 24045.1.

SEC. 4. Section 23399 of the Business and Professions Code is amended to read:

23399. An on-sale general license authorizes the sale of beer, wine, and distilled spirits for consumption on the premises where sold. Any licensee under an on-sale general license, a club license, or a veterans' club license may apply to the department for a caterer's permit. Such a permit under an on-sale general license shall authorize the sale of beer, wine, and distilled spirits for consumption at conventions, sporting events, trade exhibits, picnics, social gatherings, or similar events held any place in the state approved by the department. Such a permit under a club license or a veterans' club license shall authorize such sales at such events only upon the licensed club premises. This section shall in no way limit the power of the department to issue special licenses under the provisions of Section 24045 or to issue daily on-sale general licenses under the provisions of Section 24045.1 of this code. Consent to such sale at each such event shall be first obtained from the department pursuant to rules prescribed by it. At such events, the licensee may exercise only those privileges authorized by his license and shall comply with all provisions of the act pertaining to the conduct of on-sale premises and violation of any such provisions may be grounds for suspension or revocation of the licensee's license or permit, or both, as though such violation occurred on the licensed premises. The fee for a caterer's permit for a licensee under an on-sale general license shall be one hundred dollars ($100) per year, and the fee for a caterer's permit for a license under a club license or a veterans' club license shall be a sum equal to the annual fee for an on-sale general license prescribed by Section 23320, and such permit may be renewable annually at the same time as the licensee's license. The caterer's permit shall be transferable as a part of the license.

SEC. 5. Section 23401 of the Business and Professions Code is amended to read:

23401. An on-sale general license, with respect to beer and wine, and any on-sale license, with respect to the particular beverage or beverages mentioned in the license, also authorizes the exercise of the rights and privileges granted by an off-

sale beer and wine license; provided, however, that a daily on-sale general license issued pursuant to Section 24045.1 shall not authorize the foregoing rights and privileges. None of the licensees mentioned in this section may, by reason of any license mentioned in this section, label, bottle, package, or refill any package with any alcoholic beverage.

SEC. 6. Section 23402 of the Business and Professions Code is amended to read:

23402. No retail on- or off-sale licensee, except a daily on-sale general licensee holding a license issued pursuant to Section 24045.1, shall purchase alcoholic beverages for resale from any person except a person holding a beer manufacturer's, wine grower's, rectifier's, brandy manufacturer's, or wholesaler's license.

SEC. 7. Section 24045 of the Business and Professions Code is amended to read:

24045. All retailer's on-sale licenses, except on-sale general licenses for seasonal businesses and daily on-sale general licenses issued pursuant to Section 24045.1, shall be issued on a calendar-year basis, except that the department may issue and renew on-sale beer licenses and on-sale beer and wine licenses on a quarterly basis for the remainder of the calendar year where the privilege of such licenses is exercised only a portion of each year; provided, however, that the department may issue special licenses for the sale of beer or wine on a temporary basis for premises temporarily occupied by the licensee for a picnic, social gathering, or similar occasion at a fee of five dollars and fifty cents ($5.50) per day. All other licenses shall be issued on the basis of a fiscal year, commencing July 1st and ending June 30th.

SEC. 8. Section 24045.1 is added to the Business and Professions Code, to read:

24045.1. The department, in its discretion, may issue on a temporary basis a daily on-sale general license and the fee for such license shall be twenty-five dollars ($25) per day. Such license authorizes the sale of distilled spirits, wine, and beer for consumption on the premises where sold, and no off-sale privileges shall be exercised under such license. A daily on-sale general license may only be issued to a political party or affiliate supporting a candidate for public office or a ballot measure, an organization formed for a specific charitable or civic purpose, a fraternal organization in existence for over five years with a regular membership, or a religious organization. Distilled spirits sold under a daily on-sale general license shall have been purchased at retail from the holder of an off-sale general license.

The department may adopt such rules as it determines to be necessary to implement and administer the provisions of this section, including, but not limited to, limitations on the number of times during any calendar year a qualified organization may be issued a license provided for by this section.

The provisions of Article 2 (commencing with Section 23815) of Chapter 5 and Article 2 (commencing with Section 23985) of Chapter 6 of this division shall not be applicable to the licenses provided for by this section.

SEC. 9. Section 24048 of the Business and Professions Code is amended to read:

24048. Every license, other than a temporary license or a daily on-sale general license issued pursuant to Section 24045.1, is renewable unless the license has been revoked if the renewal application is made and the fee therefor is paid in accordance with Sections 24048.1 to 24048.4.

CHAPTER 1124

An act to add Sections 6902.1, 6904.3, and 11553.1 to the Education Code, relating to mentally retarded minors.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 6902.1 is added to the Education Code, to read:

6902.1. Mentally retarded minors who come within the provisions of Section 6902 may be enrolled in integrated programs of instruction conducted by a school district or a county superintendent of schools.

An integrated program of instruction for mentally retarded minors shall be defined as a program in which mentally retarded minors, who are enrolled in a special day class taught by a teacher holding a valid credential to teach exceptional children, are integrated in regular classes in which the content and method of instruction has been modified to the extent that mentally retarded minors can benefit from such integration. Such programs shall be conducted in accordance with rules and regulations established by the State Board of Education.

The school district or county superintendent of schools conducting the integrated program of instruction shall be entitled to an apportionment equal to the amount which would have been credited to them had these minors been enrolled full time in a special day class for the mentally retarded.

SEC. 2. Section 6904.3 is added to the Education Code, to read:

6904.3. Mentally retarded minors who come within the provisions of Section 6902 or 6903 may be enrolled in experimental programs conducted by a school district or a county superintendent of schools. Experimental programs for such minors shall be approved in advance by the Department of Education.

The school district or county superintendent of schools conducting the experimental program shall be entitled to an apportionment equal to the amount which would have been credited to them had these minors been enrolled full time in a special day class for the mentally retarded.

SEC. 3. Section 11553.1 is added to the Education Code, to read:

11553.1. Mentally retarded minors who come within the provisions of Section 6902 and who are enrolled in a work-study program approved by the Department of Education shall be credited, for apportionment purposes, one full day of attendance for each day of attendance in the approved program. The average daily attendance of mentally retarded minors enrolled in approved programs shall be computed by dividing the total number of days of attendance of the minors by the number of days taught in the regular schools of the district. No such pupils shall be credited with more than five days of attendance per calendar week or more than the number of calendar days such special school or class is maintained by the district in each fiscal year.

CHAPTER 1125

An act to amend Section 22606 of the Education Code, relating to awarding the doctoral degree by the California State Colleges.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 22606 of the Education Code is amended to read:

22606. The primary function of the state colleges is the provision of instruction for undergraduate students and graduate students, through the master's degree, in the liberal arts and sciences, in applied fields and in the professions, including the teaching profession. Presently established two-year programs in agriculture are authorized, but other two-year programs shall be authorized only when mutually agreed upon by the Trustees of the California State Colleges and the State Board of Education. The doctoral degree may be awarded jointly with the University of California, as provided in Section 22552, or jointly with a private institution of higher education accredited by the Western Association of Schools and Colleges and provided the proposed doctoral program is approved by the Coordinating Council for Higher Education. Faculty research is authorized to the extent that it is consistent with the primary function of the state colleges and the facilities provided for that function.

SEC. 2. This act shall become operative on January 1, 1971.

CHAPTER 1126

An act to amend Sections 469 and 532 of the Revenue and Taxation Code, relating to property tax assessment.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 469 of the Revenue and Taxation Code is amended to read:

469. In any case in which locally assessable business tangible personal property owned, claimed, possessed or controlled by a taxpayer engaged in a profession, trade, or business has a full cash value of fifty thousand dollars ($50,000) or more, the assessor shall audit the books and records of such profession, trade, or business before October 6, 1971, and at least once each four years thereafter.

SEC. 2. Section 532 of the Revenue and Taxation Code is amended to read:

532. Any assessment to which the penalty provided for in Section 504 must be added shall be made within six years after July 1 of the assessment year in which the property escaped taxation or was underassessed. Any other assessment made pursuant to Article 3 or Article 4 of this Chapter 3 shall be made within four years after July 1 of the assessment year in which the property escaped taxation or was underassessed; provided, however, that with respect to property which escaped taxation in an assessment year commencing on July 1, 1966, and ending on June 30, 1967, such assessment shall be made on or before October 6, 1971.

Any assessment made pursuant to Article 3 (commencing with Section 501) of this chapter or made pursuant to this article shall not create or impose a lien or charge on such real property for such assessment or any penalty or interest if (1) such real property has been transferred or conveyed to a bona fide purchaser for value prior to the date of such assessment and the showing thereof on the secured roll with the date of entry specified thereon, or (2) such real property is subject to a lien of a bona fide encumbrance for value created and attaching prior to the date of such assessment and the showing thereof on the secured roll with the date of entry specified thereon. In such cases the assessor or tax collector may record with the county recorder of any county a certificate which shall set forth the name of the person who would have been the assessee in the year in which such real property escaped assessment and the amount or amounts of any such assessments and penalties. From the date of the recording of such certificate a lien shall be created and attach against any real property owned by such person in the county or counties in which any such certificate may have been re-

corded which lien shall have the force, effect and priority of a judgment lien.

The tax collector, with the approval of the board of supervisors, may at any time release all or any portion of real property subject to any lien created or attaching by the recording of such a certificate from such lien or subordinate such lien to other liens and encumbrances if he determines that the assessment or taxes are sufficiently secured by a lien on other property belonging to the person named in such a certificate or that the release or subordination will not endanger or jeopardize the collection of such assessment or taxes.

A written certification by the tax collector to the effect that real property subject to any lien imposed by the recording of the certificate as hereinbefore provided has been released from such lien or that such lien has been subordinated to other liens shall be conclusive evidence as to any bona fide purchaser, encumbrancer or lessee that such lien has been released or has been subordinated as set forth in such written certification. Such written certification may be recorded with the county recorder of any county.

CHAPTER 1127

An act to amend Section 13337.5 of the Education Code, relating to teachers.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 13337.5 of the Education Code is amended to read:

13337.5. Notwithstanding the provisions of Section 13337, the governing board of a school district maintaining a junior college may employ as a teacher in grade 13 or grade 14, for less than a complete school year but not less than a complete semester or quarter during a school year, any person holding appropriate certification documents, and may classify such person as a temporary employee. The employment of such persons shall be based upon the need for additional certificated employees for grades 13 and 14 during a particular semester or quarter because of the higher enrollment of students in those grades during that semester or quarter as compared to the other semester or quarter in the academic year, or because a certificated employee has been granted leave for a semester, quarter, or year, or is experiencing long-term illness, and shall be limited, in number of persons so employed, to that need, as determined by the governing board.

Such employment may be pursuant to contract fixing a salary for the entire semester or quarter.

No person shall be so employed by any one district for more than two semesters or quarters within any period of three consecutive years.

Notwithstanding any other provision to the contrary, any person who is employed to teach adult or junior college classes for not more than 60 percent of the hours per week considered a full-time assignment for permanent employees having comparable duties shall be classified as a temporary employee, and shall not become a probationary employee under the provisions of Section 13446.

CHAPTER 1128

An act to amend Section 7301 of the Welfare and Institutions Code, relating to mentally disordered sex offenders.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. 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 who has been placed in a state hospital temporarily for observation pursuant to, or who has been committed to a state hospital for an indeterminate period pursuant to 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.

Whenever a person is transferred to an institution under the jurisdiction of the Department of Corrections pursuant to this section, any report, opinion, or certificate required or authorized to be filed with the court which committed such

person to a state hospital, or ordered such person placed therein, shall be prepared and filed with the court by the head of the institution in which the person is actually confined or by the designee of such head.

CHAPTER 1129

An act authorizing the transfer of all or a portion of Twin Lakes State Beach to the Santa Cruz Port District.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. The Director of Parks and Recreation is hereby authorized to transfer fee title or any lesser interest in all or a portion of Twin Lakes State Beach to the Santa Cruz Port District upon terms and conditions as specified in Section 2 of this act and otherwise as the Director of Parks and Recreation determines are in the best interest of the state.

SEC. 2. Upon the transfer of property authorized pursuant to Section 1 of this act, the Santa Cruz Port District shall be obligated to pay to the state an amount equal to the costs incurred by the state in the acquisition and development for state park purposes of such property. Such amount may be paid by the district in installments commencing after the present loan from the Harbors and Watercraft Revolving Fund has been repaid by the district.

CHAPTER 1130

An act to add Sections 13118.3 and 13187.6 to the Education Code, relating to certificated employees.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 13187.6 is added to the Education Code, to read:

13187.6. Notwithstanding any other provisions of this code, the State Board of Education may grant a temporary standard teaching credential to an applicant who possesses a professional degree or certificate from an institution of higher education which the State Board of Education has certified as representing academic qualifications and standards equivalent to those of a degree granted by universities and colleges in the United States and fulfilling the academic requirements for

a regular California teaching credential. Such an applicant shall be bilingual in the languages used in the school where he will be teaching. The temporary credential shall be valid for one academic year, and may be renewed, subject to reasonable progress being made, as defined by the State Board of Education, towards meeting the requirements for a regular teaching credential.

The State Board of Education shall adopt rules and regulations relating to the administration of the provisions of this section.

SEC. 2. Section 13118.3 is added to the Education Code, to read:

13118.3. Notwithstanding any other provisions of this code, the commission may grant a temporary standard teaching credential to an applicant who possesses a professional degree or certificate from an institution of higher education which the commission has certified as representing academic qualifications and standards equivalent to those of a degree granted by universities and colleges in the United States and fulfilling the academic requirements for a regular California teaching credential. Such an applicant shall be bilingual in the languages used in the school where he will be teaching. The temporary credential shall be valid for one academic year, and may be renewed, subject to reasonable progress being made, as defined by the commission, towards meeting the requirements for a regular teaching credential.

The commission shall adopt rules and regulations relating to the administration of the provisions of this section.

SEC. 3. It is the intent of the Legislature that if Assembly Bill No. 740 of the 1969 Regular Session is enacted, Section 13118.3 of the Education Code as added by Section 2 of this act shall become operative at such time as determined by the Commission for Teacher Preparation and Licensing, but no later than January 1, 1971, and at that time, Section 13187.6 of the Education Code as added by Section 1 of this act is repealed.

SEC. 4. It is the intent of the Legislature in enacting this act to encourage bilingual instruction in order to develop a greater proficiency in English in accordance with the general policy specified in Section 71 of the Education Code

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CHAPTER 1131

An act to amend Section 40000 of, and to add Section 2815 to, the Vehicle Code, relating to school crossing guards.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 2815 is added to the Vehicle Code, to read:

2815. Any person who shall disregard any traffic signal or direction given by a nonstudent school crossing guard, authorized by any city police department or the Department of the California Highway Patrol, when he is wearing the official insignia of such a school crossing guard, and when in the course of his duties he is protecting any person in crossing a street or highway in the vicinity of a school or while returning thereafter to a place of safety, shall be guilty of a misdemeanor and subject to the penalties provided in Section 42001.

SEC. 2. 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 2815, relating to failure to obey a crossing guard's traffic signal or direction.

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 13004, relating to unlawful use of identification card.

Section 14601, relating to driving when suspended.

Section 14601.1, relating to driving when suspended.

Section 14610, relating to unlawful use of driver's license.

Section 15501, relating to use of false or fraudulent license by minor.

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 34506(a), relating to transportation of hazardous materials.

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 40519, relating to failure to appear.

Section 42003, relating to violation of a written promise.

Section 42005, relating to failure to attend traffic school.

SEC. 3. 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 2815, relating to failure to obey a crossing guard's traffic signal or direction.

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 13004, relating to unlawful use of identification card.
Section 14601, relating to driving when suspended.
Section 14601.1, relating to driving when suspended.
Section 14610, relating to unlawful use of driver's license.
Section 15501, relating to use of false or fraudulent license by minor.
Section 16560, relating to interstate highway carriers.
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 34506(a), relating to transportation of hazardous materials.
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 40519, relating to failure to appear.
Section 42003, relating to violation of a written promise.
Section 42005, relating to failure to attend traffic school.

SEC. 4. It is the intent of the Legislature, if amendments to Section 40000 of the Vehicle Code proposed by both this bill and A.B. 1743 are enacted, that both amendments be given effect and incorporated in Section 40000 in the form set forth in Section 3 of this act. Therefore, in the event A B. 1743 is enacted and amends Section 40000, Section 3 of this act shall become operative at the same time that Section 40000 as amended by A.B. 1743 becomes operative, and at that time, Section 40000 of the Vehicle Code as amended by Section 2 of this act is repealed.

CHAPTER 1132

An act to amend Sections 7113 and 7114 of the Health and Safety Code, relating to autopsies.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 7113 of the Health and Safety Code is amended to read:

7113. A cemetery authority or licensed funeral director or a licensed hospital or its authorized personnel may permit or assist, and a physician may perform, an autopsy of any remains in its or his custody if the decedent, prior to his death, authorizes an autopsy in his will or other written instrument, or upon the receipt of a written authorization, or a verbal authorization obtained by telephone and recorded on tape or other recording device, from a person representing himself to be any of the following:

(a) The surviving spouse; (b) a surviving child or parent; (c) a surviving brother or sister; (d) any other kin or person who has acquired the right to control the disposition of the remains; (e) a public administrator; (f) a coroner or any other duly authorized public officer. A cemetery authority or a licensed funeral director or a licensed hospital or its authorized personnel is not liable for permitting or assisting, and a physician is not liable for performing, an autopsy pursuant to such authorization unless he or it has actual notice that such representation is untrue at the time the autopsy is performed. If such authorization is contained in a will, the autopsy may be performed 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 not authorize the obtaining of a verbal authorization by telephone and recorded on tape or other recording device for an autopsy of a deceased person if it is made known to the physician who is to perform the autopsy that the deceased was, at the time of his death, a member of a religion, church, or denomination which relies solely upon prayer for the healing of disease.

SEC. 2. Section 7114 of the Health and Safety Code is amended to read:

7114. Any person who performs, permits or assists at, an autopsy on a dead body without having first obtained (a) the authorization of the deceased in writing, including, but not limited to, the last will of the deceased; or (b) the authorization in writing of the person designated by Section 7100 of this code as having the right to control the disposition of the remains of the deceased; or (c) in the case of a cemetery authority or a licensed funeral director or a licensed hospital or its agents or a physician, the written or verbal authorization described in Section 7113 of this code, is guilty of a misdemeanor, except that this section shall not be applicable to the performance of an autopsy by the coroner or other officer authorized by law to perform autopsies.

CHAPTER 1133

An act to add Section 3351.5 to the Labor Code, relating to workmen's compensation.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 3351.5 is added to the Labor Code, to read:

3351.5. "Employee" includes any person whose employment training is arranged by the State Department of Rehabilitation with any employer. Such person shall be deemed an employee of such employer for workmen's compensation purposes; provided that. the department shall bear the full amount of any additional workmen's compensation insurance premium expense incurred by the employer due to the provisions of this section.

CHAPTER 1134

An act to amend Sections 188.8 and 256 of the Streets and Highways Code, relating to streets and highways.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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, and until June 30, 1975, 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, until June 30, 1975, a new estimate shall be filed and published and shall govern the minimum expenditure computations for each succeeding four-year period.

For each four-year period subsequent to June 30, 1975, 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 the eight years following the commencement of such four-year 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 1973 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, 1975, and ending June 30, 1979. 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 256 of the Streets and Highways Code is amended to read:

256. The department shall review the California freeway and expressway system and the entire state highway system, and shall report to the Legislature at or prior to the 1971 Regular Session and each four years thereafter, through such interim committee or committees as may be designated by legislative resolution, as to the progress made in developing the systems and as to revisions that should be made in the systems. Such studies shall be made without regard to whether particular routes are included in either system. If provision is made by an interim committee or committees of the Legislature for an advisory committee of local officials to work with the department in connection with such studies, the department shall cooperate with such an advisory committee to the fullest extent.

CHAPTER 1135

An act to amend Section 19526 of the Revenue and Taxation Code, relating to property tax assistance.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 19526 of the Revenue and Taxation Code is amended to read:

19526. Notwithstanding the definition of income set forth in Section 19501, no assistance shall be allowed for property

taxes accrued and paid if the gross household income from all sources for the periods set forth in Section 19501 is ten thousand dollars ($10,000) or more; provided, however, that in the case of a person whose principal trade or business is farming, such amount is twenty thousand dollars ($20,000) or more.

SEC. 2. The provisions of this act shall be applied to claims filed for property tax assistance for fiscal years ending on and after June 30, 1970.

CHAPTER 1136

An act to amend Section 464 of the Penal Code, relating to burglary.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 464 of the Penal Code is amended to read:

464. Any person who, with intent to commit crime, enters, either by day or by night, any building, whether inhabited or not, and opens or attempts to open any vault, safe, or other secure place by use of acetylene torch or electric arc, burning bar, thermal lance, oxygen lance, or any other similar device capable of burning through steel, concrete, or any other solid substance, or by use of nitroglycerine, dynamite, gunpowder, or any other explosive, is guilty of a felony and, upon conviction, shall be punished by imprisonment in the state prison for a term of not less than 10 years nor more than 40 years.

CHAPTER 1137

An act to amend Section 13520 of the Education Code, relating to computation of salary.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 13520 of the Education Code is amended to read:

13520. A person in a position requiring certification qualifications who serves less than a full school year shall receive as salary only an amount that bears the same ratio to the established annual salary for the position as the number of working days he serves bears to the total number of working

days plus institutes in the annual school term, and any other day when the employee is required by the governing board to be present at the schools of the district. Notwithstanding any provisions of this section to the contrary, a person in a position requiring certification qualifications who serves a complete semester shall receive not less than one-half of the established annual salary for the position. This section shall not be so construed as to prevent the payment of compensation to a person while on leave of absence when the payment of the compensation is authorized by law.

CHAPTER 1138

An act to add Sections 1834.5 and 1834.6 to the Civil Code, relating to abandoned animals.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 1834.5 is added to the Civil Code, to read:

1834.5. Notwithstanding any other provision of law, whenever any animal is delivered to any veterinarian, dog kennel, cat kennel, pet-grooming parlor, animal hospital, or any other animal care facility pursuant to any written or oral agreement entered into after the effective date of this section, and the owner of such animal does not pick up the animal within 21 calendar days after the day the animal was due to be picked up, the animal shall be deemed to be abandoned. The person into whose custody the animal was placed for care shall first try for a period of not less than 10 days to find a new owner for the animal, and, if unable to place the animal with a new owner, shall thereafter humanely destroy the animal so abandoned.

There shall be a notice posted in a conspicuous place, or in conspicuous type in a written receipt given, to warn each person depositing an animal at such animal care facilities of the provisions of this section.

SEC. 2. Section 1834.6 is added to the Civil Code, to read:

1834.6. An abandoned animal, as described in Section 1834.5, shall not be used for scientific or any other type of experimentation, nor shall such an abandoned animal be turned over to a pound or animal regulation department of a public agency.

CHAPTER 1139

An act to amend Sections 1035, 1035.1, 1037, 1038, and 1048 of, to add Sections 1035.05, 1035.2, 1035.3, 1035.4, and 1038.1 to, and to repeal Sections 1039 and 1041 of, the Military and Veterans Code, relating to the Veterans' Home of California.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 1035 of the Military and Veterans Code is amended to read:

1035. All moneys and other personal property of any veteran held by the home, or by its authority, or which is left by such veteran upon the premises of the home, shall, upon the death of the veteran, be held by the home in trust to be paid or delivered by the home upon proof deemed to be proper to the manager, directly and without probate, to the spouse, children, grandchildren, or father or mother of the veteran; provided, that the manager is hereby empowered to disburse funds of any deceased veteran for payment of funeral expenses or any obligation owed to the home.

SEC. 2. Section 1035.05 is added to the Military and Veterans Code, to read:

1035.05. All moneys and other personal property of any veteran other than that described in Section 1035 of this code shall, upon the death of such veteran, in the absence of spouse, children, grandchildren, or father or mother pass and descend to and become the property of the Veterans' Home of California for credit to the post fund thereof. If the total value of such property in the State of California over and above any amounts due such veteran for services in the armed forces of the United States or from any other employment does not exceed three thousand dollars ($3,000), the Veterans' Home shall be entitled, without procuring letters of administration or awaiting the probate of any will, to collect any money due the decedent, receive the property of the decedent and have any evidences of interest, indebtedness or right transferred to it upon furnishing the person, representative, corporation, official, or body owning the money, having custody of such property or acting as registrar or transfer agent of such evidence of such interest, indebtedness, or right, with an affidavit showing the right of the Veterans' Home to receive such money or property or to have such evidences transferred. The receipt of the Veterans' Home shall constitute sufficient acquittance for any payment of money or delivery of property made pursuant to the provisions of this section and shall fully discharge such person, representative, corporation, officer, or body from any further liability with reference thereto, without the necessity

of inquiring into the truth of any of the facts stated in the affidavit. But such payment or transfer shall not preclude administration when necessary to enforce payment of the decedent's debts, and the manager may, upon proof deemed by him to be sufficient, pay such debts directly and without administration.

SEC. 3. Section 1035.1 of the Military and Veterans Code is amended to read:

1035.1. Any will heretofore or hereafter executed by a veteran, whether executed before or after his admission to the home, shall not be valid as to any provision therein contained which purports to dispose, either directly or indirectly, of moneys or personal property to other than his spouse, children, grandchildren, or father or mother. This section does not apply to any veteran who is not a member of the home at the time of his death.

SEC. 4. Section 1035.2 is added to the Military and Veterans Code, to read:

1035.2. Any personal property held by the home pursuant to Section 1035 which the manager deems to be of no substantial monetary value may be immediately delivered by the manager to any heir or to any devisee or legatee under a will of the deceased veteran, or to any other interested person, who makes application therefor, or if unclaimed within one year as herein provided may be destroyed or used as the manager shall direct, for the benefit of the home or its members.

SEC. 5. Section 1035.3 is added to the Military and Veterans Code, to read:

1035.3. If no spouse, children, grandchildren, or father, or mother are discovered within two years after the death of the veteran, any moneys not exceeding the sum of three thousand dollars ($3,000) held by the home pursuant to Section 1035 and not paid or otherwise delivered to such spouse, children, grandchildren, or father or mother, or otherwise disbursed by the manager pursuant to Section 1035, shall be paid to the post fund.

If no spouse, children, grandchildren, or father or mother are discovered within five years after the death of the veteran, any moneys exceeding the sum of three thousand dollars ($3,000) held by the home pursuant to Section 1035 and not paid or otherwise delivered to such spouse, children, grandchildren, or father or mother, or otherwise disbursed by the manager pursuant to Section 1035, shall be paid to the post fund.

SEC. 6. Section 1035.4 is added to the Military and Veterans Code, to read:

1035.4. All personal property held or received by the home pursuant to Section 1035, other than moneys and other than property described in Section 1035.2 as is unclaimed by or not otherwise delivered to the spouse, children, grandchildren,

or father or mother of a veteran within a period of one year after his death, may be sold by the manager by public auction or private sale. The sale shall take place at a public place in the home, and notice of sale shall be posted in such place at least 10 days previous to the date of sale. The proceeds of such sale shall be credited to the post fund.

SEC. 7. Section 1037 of the Military and Veterans Code is amended to read:

1037. The money belonging to a veteran and voluntarily deposited with the home may be withdrawn, in whole or in part, at the will of the veteran.

SEC. 8. Section 1038 of the Military and Veterans Code is amended to read:

1038. All money deposited with the home for a veteran shall be paid to him on demand, upon his discharge or voluntary departure from the home. If such money is not so demanded at the time of his discharge or departure or within a period of two years thereafter, if such amount does not exceed three thousand dollars ($3,000), or within a period of five years thereafter, if such amount exceeds three thousand dollars ($3,000) either by such veteran, or, in the event of his death after his discharge or departure, by his heirs, devisees, legatees, or qualified executor or administrator of his estate, such money shall be paid to the post fund.

SEC. 9. Section 1038.1 is added to the Military and Veterans Code, to read:

1038.1. All personal property other than money left at the home by a veteran at the time of his discharge or voluntary departure therefrom, unclaimed within a period of one year therefrom, either by such veteran or, in the event of his decease after his discharge or departure, by his heirs, devisees, legatees, or qualified executor or administrator of his estate, shall be sold in the manner described in Section 1035.4 and the proceeds paid to the post fund.

SEC. 10. Section 1039 of the Military and Veterans Code is repealed.

SEC. 11. Section 1041 of the Military and Veterans Code is repealed.

SEC. 12. Section 1048 of the Military and Veterans Code is amended to read:

1048. The post fund shall include any profits from operations of the Veterans' Home Exchange and post fund operations, all donations to the fund, and any other moneys or property described in this chapter, except that the moneys and properties received by the home from estate assets located outside the home in excess of one hundred thousand dollars ($100,000) in any one calendar year shall be paid into the General Fund.

CHAPTER 1140

An act to amend Section 6310 of the Welfare and Institutions Code, relating to psychiatric fees.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Sections 6310 of the Welfare and Institutions Code is amended to read:

6310. The psychiatrists so appointed by the court shall be allowed such fees as in the discretion of the court seem just and reasonable, with regard to the services rendered by the psychiatrists, but in no event shall such fees exceed the sum of seventy-five dollars ($75) per day in addition to actual traveling expenses. The fees allowed shall be paid by the county in which the hearing is held.

CHAPTER 1141

An act to add Chapter 6 (commencing with Section 2300) to Division 3 of the Streets and Highways Code, relating to urban area traffic operations improvement.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 6 (commencing with Section 2300) is added to Division 3 of the Streets and Highways Code, to read:

CHAPTER 6. URBAN AREA TRAFFIC OPERATIONS IMPROVEMENT

Article 1. General Provisions

2300. This chapter may be cited as the Urban Area Traffic Operations Improvement Act. Operations under this chapter may be referred to generally as the TOPICS Program.

2301. By the Federal-Aid Highway Act of 1968, Congress has enacted Section 135 of Title 23 of the United States Code and has authorized appropriations thereby for expenditure within the designated boundaries of urban areas for street and highway projects designed to reduce traffic congestion and to facilitate the flow of traffic. The purpose of this chapter is to implement such programs in this state. The boards of supervisors, city councils, the department, and the commission shall do all things necessary and proper in their respective jurisdictions to secure the federal funds for use on construction of county highways, city streets, and state highways in accordance with the intent of the federal act and this chapter.

Article 2. Definitions

2305. As used in this chapter, "urban area" means an area including and adjacent to a city or other urban place having a population of 5,000 or more, as determined by the latest available federal census, within boundaries fixed by the department, subject to the approval of the United States Secretary of Transportation.

2306. As used in this chapter, "TOPICS project" is a proposed improvement on a portion of a county highway, city street, or state highway which is included in a Type II federal-aid primary or other federal-aid system within an urban area and is approved by the United States Secretary of Transportation for improvement with TOPICS funds. "TOPICS project" also includes the study and preparation of an areawide TOPICS plan and the evaluation of the effects of TOPICS improvements.

2307. As used in this chapter, "match" means to provide for the payment of the cost of any TOPICS project to the extent that such cost is not to be reimbursed from federal funds.

2308. As used in this chapter, "urban arterial highways" are the principal local routes in urban areas providing direct service for through traffic movement to principal traffic generators and interconnecting such generators. They also provide connections to and are extensions of rural arterials.

2309. As used in this chapter, the "Type II Federal-aid primary system" is composed of state highways and the urban arterial highways which are not included in another federal-aid system and, in addition, portions of the street grid in the downtown or other areas having particularly heavy concentrations of traffic, all of which have been selected by the department in cooperation with the appropriate local officials and approved by the United States Secretary of Transportation. For all purposes of this code, notwithstanding Sections 186.3 and 186.4, any county highway or city street which is approved as a Type II Federal-aid primary system route shall be considered as part of the select system of the county or city in which it lies.

Article 3. Coordination

2315. To assist the department in the performance of its duties under this chapter, there shall be a TOPICS Advisory Committee, hereinafter referred to as the committee, consisting of 10 persons appointed by the Governor. The committee shall consist of four county representatives recommended by the County Supervisors Association and six city representatives recommended by the League of California Cities. Not less than two of the county representatives and not less than three of the city representatives shall be engineers. Each appointee shall serve for a term of four years. The committee

shall make recommendations to the department with respect to:

(a) Distribution of federal funds.

(b) Routes to be included in the Type II Federal-aid primary system.

(c) TOPICS project priorities.

(d) Other matters related to the program.

The committee shall cease to exist if Congress fails to allocate for appropriation any funds for the TOPICS Program in this state during any fiscal year. Should Congress subsequently allocate for appropriation such funds, a new committee shall be established in accordance with the provisions of this section.

2316. The department, with the approval of the committee and with the advice of the respective board of supervisors or city council, shall designate a city or county, or an appropriate organization within each urban area or portion thereof, that is participating in the program to serve as a coordinating agent to represent that urban area, or portion thereof, in the manner provided in this chapter.

Article 4. Administration

2320. To make the most effective use of the federal appropriations, a major portion of the funds apportioned to California for TOPICS projects shall be made available to urban areas of the state in such a manner that will give priority to the larger urban areas where traffic congestion is most critical. The commission shall allocate the federal funds annually from the State Highway Fund for apportionment by the department in the manner set forth herein. The amount of each federal apportionment to be made available to such an urban area, and the period of availability, shall, within the limits permitted by federal laws, rules, and regulations, be established by the department in cooperation with the committee.

2321. Each designated coordinating agent, in cooperation with appropriate state, county, and city officials of the area it represents, shall be responsible for coordinating the selection of a Type II Federal-aid primary system, the conducting of comprehensive traffic engineering studies, the preparation of a general plan of highway improvements, the preparation of an areawide TOPICS Plan and Study Report, the selection of TOPICS projects, and the determination of project priorities, and shall perform all other acts necessary to coordinate TOPICS program operations at the local level in conformance with all applicable state and federal laws, rules, regulations, and operating procedures.

2322. The department shall, on behalf of the state and the counties and cities, recommend Type II Federal-aid primary systems, areawide TOPICS plans, and TOPICS projects to the United States Secretary of Transportation. In making such

recommendations, the department shall take into consideration the recommendations of the committee and the designated coordinating agents.

2323. The department, in cooperation with the committee, shall establish operating procedures and take such other actions within the powers conferred on it by law to comply with the provisions of this chapter and with all applicable federal laws, rules, and regulations.

2324. The department may advance the federal share of each TOPICS project on a county road or a city street from the money allocated by the commission to finance work done after July 1, 1969, in conformance with the requirements of this chapter. Expenditures of federal TOPICS money shall be exempt from the provisions of Section 188. Matching funds for projects on county roads or city streets shall be provided by the counties or cities. Notwithstanding any other provision of law, funds otherwise allocated or apportioned to the counties or cities from the State Highway Fund, or the Highway Users Tax Fund, shall be eligible for use for such matching purposes. Funds received by a local agency pursuant to Section 190 may be used to match funds received pursuant to this chapter, and funds received pursuant to this chapter may be used to comply with the matching requirements of Section 190. Matching funds for TOPICS projects on the state highway system may be provided by the commission from the State Highway Fund. Such state matching funds shall not be subject to the provisions of Section 188. The department may advance funds from the State Highway Fund, if available, as necessary to permit award of contracts at any time after the first day of January preceding the beginning of the fiscal year to which the federal apportionments apply.

CHAPTER 1142

An act to amend Section 1012 of the Military and Veterans Code, relating to veterans' institutions.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 1012 of the Military and Veterans Code is amended to read:

1012. The home is for aged and disabled persons who served in the armed forces of the United States during a war period or period of hostility, as defined by law, 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; who were discharged or released from active duty under hon-

orable conditions from such service, and who are eligible for hospitalization or domiciliary care in a veterans' facility in accordance with the rules and regulations of the United States Veterans Administration, and who have been bona fide residents of this state for five years immediately preceding the date of application. The property of the home shall be used for this purpose.

CHAPTER 1143

An act to amend Section 13002 of the Vehicle Code, relating to identification cards.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 13002 of the Vehicle Code is amended to read:

13002. Every identification card shall expire, unless surrendered earlier, on the sixth birthday of the applicant following the date of original issue. Renewal of any identification card shall be made for a term which shall expire on the sixth birthday of the applicant following expiration of the identification card renewed, unless surrendered earlier. The department shall, at the end of six years and six months after the issuance or renewal of an identification card, destroy any record of the card if it has expired and has not been renewed.

SEC. 2. Section 13002 of the Vehicle Code is amended to read:

13002. Every identification card shall expire, unless canceled earlier, on the sixth birthday of the applicant following the date of original issue. Renewal of any identification card shall be made for a term which shall expire on the sixth birthday of the applicant following expiration of the identification card renewed, unless surrendered earlier. Any application for renewal received after 90 days after expiration of the identification card shall be considered the same as an application for an original identification card. The department shall, at the end of six years and six months after the issuance or renewal of an identification card, destroy any record of the card if it has expired and has not been renewed.

SEC. 3. It is the intent of the Legislature, if amendments to Section 13002 of the Vehicle Code proposed by both this bill and A.B. 109 are enacted, that both amendments be given effect and incorporated in Section 13002 in the form set forth in Section 2 of this act. Therefore, in the event A.B. 109 is enacted and amends Section 13002, Section 2 of this act shall become operative at the same time Section 13002 as amended

by A.B. 109 becomes operative, and at that time, Section 13002 of the Vehicle Code as amended by Section 1 of this act is repealed.

CHAPTER 1144

An act to amend Section 17 of the Penal Code, relating to crimes.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 17 of the Penal Code is amended to read:

17. (a) 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.

(b) When a crime is punishable, in the discretion of the court, by imprisonment in the state prison or by fine or imprisonment in the county jail, it is a misdemeanor for all purposes under the following circumstances:

(1) After a judgment imposing a punishment other than imprisonment in the state prison.

(2) When the court commits the defendant to the Youth Authority.

(3) When the court grants probation to a defendant without imposition of sentence and at the time of granting probation, or on application of the defendant or probation officer thereafter, the court declares the offense to be a misdemeanor.

(4) When the prosecuting attorney files in a court having jurisdiction over misdemeanor offenses a complaint specifying that the offense is a misdemeanor, unless the defendant at the time of his arraignment or plea objects to the offense being made a misdemeanor, in which event the complaint shall be amended to charge the felony and the case shall proceed on the felony complaint.

(5) When, at or before the preliminary examination and with the consent of the prosecuting attorney and the defendant, the magistrate determines that the offense is a misdemeanor, in which event the case shall proceed as if the defendant had been arraigned on a misdemeanor complaint.

CHAPTER 1145

An act to amend Section 15957 of the Education Code, relating to school district contracts.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 15957 of the Education Code is amended to read:

15957. In each school district, the governing board may make repairs, alterations or additions to school buildings, repair or build apparatus or equipment, make improvements on the school grounds, and erect new buildings by day labor, or by force account, whenever the total cost of labor on the job does not exceed two thousand dollars ($2,000), provided that in any school district situated wholly or partly within a city containing a population of over 1,900,000 according to the 1950 federal census, the governing board may, in addition, make repairs to school buildings, grounds, apparatus, or equipment by day labor or by force account whenever the total cost of labor on the job does not exceed three thousand dollars ($3,000).

For purposes of this section, day labor shall include the use of maintenance men, whether employed on a permanent or temporary basis.

CHAPTER 1146

An act to add Sections 3100.2 and 3100.10 to the Education Code, relating to the reorganization of school districts.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 3100.2 is added to the Education Code, to read:

3100.2. When a proposal to unify a high school district has been defeated by the electors of a district three or more times, the county committee on school district organization shall, within 18 months of the last election at which a unification proposal was defeated, submit to the State Board of Education a plan to divide such high school district into two or more unified districts, provided that such plan meets the criteria of Section 3100.

SEC. 2. Section 3100.10 is added to the Education Code, to read:

3100.10. Notwithstanding any provision of this chapter to the contrary, whenever final plans and recommendations for the formation of a unified school district are formulated and transmitted by the county committee on school district organization to the State Board of Education for approval, and the State Board of Education disapproves such final plans and recommendations, the county superintendent of schools shall, except where such final plans and recommendations do not meet the requirements set forth in Section 3100 or any other

applicable law, call, hold, and conduct, in the manner specified in Chapter 6 (commencing with Section 1301) of Division 4 of this code, a special election in the districts included in whole or in part in the final plans and recommendations for the purpose of adopting or rejecting the final plans and recommendations. Whenever the State Board of Education disapproves such final plans and recommendations, the board shall set forth the reasons for such disapproval which shall be based only on statutory grounds.

The county superintendent of schools shall certify the results of such special election to the county board of supervisors, and if the final plans and recommendations of the county committee on school district organization are approved by two-thirds of all the votes cast at the special election, the county board of supervisors shall then issue the necessary orders and take such other action as is set forth in Section 1647. The approval by the voters of the final plans and recommendations at the special election and the subsequent orders and actions taken by the board of supervisors pursuant to Section 1647 shall be effective for all purposes for the formation of the unified school district in accordance with Section 1704.

CHAPTER 1147

An act to amend Section 10301 of, to add Section 6211 to, and to repeal Section 10651 of, the Education Code and to add Section 19526 to the Welfare and Institutions Code, relating to visually handicapped students.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 6211 is added to the Education Code, to read:

6211. Whenever any blind person with the proper educational qualifications regularly matriculates, enters, and works for a degree, or for a diploma of graduation, in any university, college, or state college in this state, and who is not a recipient of federally assisted vocational rehabilitation services, the Director of Rehabilitation shall provide from any funds appropriated for the purpose from the General Fund a reader to assist him in his studies. Of the funds appropriated by the 1969 Legislature in the Budget Act for such purpose, the sum of thirty-six thousand five hundred dollars ($36,500) shall be used for this purpose for the fiscal year ending June 30, 1970, and any appropriations for succeeding years shall be determined by the Legislature.

Any reader whose services are provided pursuant to this section shall be deemed an independent contractor whose services shall have been contracted by the Director of Rehabilitation for the benefit of such blind person and not an employee of the Department of Rehabilitation. Compensation for readers shall be established at a rate high enough to obtain competent readers but in no event shall such compensation be less than the basic federal minimum wage. No more than 1,100 hours of service by a reader per annum shall be allowed for the instruction of any one student, except that for graduate students not more than 1,300 hours of service by a reader shall be allowed for the instruction of any one student, provided that a greater amount may be expended if the Director of Rehabilitation finds that the instruction of a student will be facilitated by such additional expenditure.

SEC 1.5. Section 10301 of the Education Code is amended to read:

10301. The Superintendent of Public Instruction shall establish and maintain a central clearinghouse-depository for specialized textbooks, reference books, recordings, study materials, tangible apparatus, equipment and other similar items for the use of visually handicapped students enrolled in the public schools of California who may require their use as shall be determined by the State Board of Education.

The specialized textbooks, reference books, recordings, study materials, tangible apparatus, equipment and other similar items shall be available for use by visually handicapped students enrolled in the public junior colleges, California State Colleges, and the University of California.

SEC. 2. By amending Section 10301 of the Education Code to authorize the use of specified equipment by blind students in public higher education institutions, the Legislature does not intend to require or encourage the purchase of additional equipment or resources but intends only to make existing equipment and resources available to such students.

SEC. 3. Section 10651 of the Education Code is repealed.

SEC. 4 Section 19526 is added to the Welfare and Institutions Code, to read:

19526. Whenever any blind person with the proper educational qualifications regularly matriculates, enters, and works for a degree, or for a diploma of graduation, in any university, college, or state college in this state, and who is not a recipient of federally assisted vocational rehabilitation services, the Director of Rehabilitation shall provide from any funds appropriated for the purpose from the General Fund a reader to assist him in his studies Of the funds appropriated by the 1969 Legislature in the Budget Act for such purpose, the sum of thirty-six thousand five hundred dollars ($36,500) shall be used for this purpose for the fiscal year ending June 30, 1970, and any appropriations for succeeding years shall be determined by the Legislature.

Any reader whose services are provided pursuant to this section shall be deemed an independent contractor whose services shall have been contracted by the Director of Rehabilitation for the benefit of such blind person and not an employee of the Department of Rehabilitation. Compensation for readers shall be established at a rate high enough to obtain competent readers but in no event shall such compensation be less than the basic federal minimum wage. No more than 1,100 hours of service by a reader per annum shall be allowed for the instruction of any one student, except that for graduate students not more than 1,300 hours of service by a reader shall be allowed for the instruction of any one student, provided that a greater amount may be expended if the Director of Rehabilitation finds that the instruction of a student will be facilitated by such additional expenditure.

SEC. 4. Section 4 of the act shall become operative only if Senate Bill 840 is enacted, and in such case at the same time as Senate Bill 840 takes effect, at which time Section 1 of this act is repealed.

CHAPTER 1148

An act to amend Section 3296.5 of the Education Code, relating to the California Community Colleges.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 3296.5 of the Education Code is amended to read:

3296.5. The State Department of Education shall prepare, and submit to the county superintendent who shall distribute to each registered voter, a statement of official information and statistics relating to the proposed new unified area which shall include but is not limited to information and statistics projecting for the new unified area the assessed valuation, the tax rate, the rate of growth, the expected enrollment and the support from the state which can be expected if such area maintains an adequate school program. The chief executive officer of the Board of Governors of the California Community Colleges shall prepare and submit such statement with respect to junior college district organization proposals.

CHAPTER 1149

An act to create a flood control district to be called Tulare County Flood Control District; to provide for the control of flood and storm waters and the protection of watercourses, watersheds, harbors, public highways, life and property from

damage or destruction from such waters; to authorize the incurring of indebtedness, the issuance and sale of bonds, and the levying and collection of taxes and assessments on property within said district and in the respective zones thereof; to provide for the government, management, and operation of said district and for the acquisition and construction of property and works to carry out the purposes of the district; to define the powers of said district and its officers.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. This act shall be known and may be cited as the Tulare County Flood Control District Act.

SEC. 2. A flood control district is hereby created to be called the Tulare County Flood Control District. Said district shall consist of all the territory of the County of Tulare lying within the exterior boundaries of said county. As used in this act "district" means the Tulare County Flood Control District.

SEC. 3. The board of supervisors of the district created by this act, by resolutions thereof adopted from time to time, may establish flood control zones within said district without reference to the boundaries of other zones, setting forth in such resolutions descriptions thereof by metes and bounds and entitling each of such zones by a zone number, and institute zone projects for the specific benefit of such zones. The board may, by resolution, amend the boundaries by annexing property to or by withdrawing property from said zones or may divide existing zones into two or more zones or may superimpose a new or amended zone on zones already in existence, setting forth in such resolutions descriptions of the amended, divided or superimposed zones by metes and bounds and entitling each of such zones by a zone number. Any territory in the district may be included within one or more flood control zones. As used in this act, "zone" means a flood control zone.

After a project has been approved at an election held pursuant to Section 13 of this act, the boundaries of the zone or zones approving the project shall not be changed.

Proceedings for the establishment of such zones may be conducted concurrently with and as a part of proceedings for the instituting of projects relating to such zones, which proceedings shall be instituted in the manner prescribed in Section 12 of this act. However, zones may be established without complying with the procedure in said Section 12.

The boundaries of any proposed zone which includes any territory within a city shall be submitted to the city council of such city for approval before the final adoption of the boundaries of such zone by the board of supervisors of the

district. If the city council does not approve the boundaries of the zone lying within the city, or including the city as a whole, the city council may approve realigned boundaries for the portion of the zone within the city. The board of supervisors may then form the zone with such boundaries as have been approved by the city council, or the board of supervisors shall exclude all land within said city from the zone.

SEC. 4. The objects and purposes of this act are to provide for the control of the flood and storm waters of said district and the flood and storm waters of streams that have their source outside of said district, but which streams and the floodwaters thereof flow into said district.

SEC. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district.

3. To adopt a seal.

4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof, flow into said district, and protect from damage from such flood or storm waters the watercourses, watersheds, harbors, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district.

6. To cooperate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public district, or with any public or private corporation, or with any city or county, in the construction of any works for the controlling of flood or storm waters of or flowing into said district or for the protection of life or property therein, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

7. To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses,

studies, and inspections pertaining to control of floods both within and without said district, and for such purposes said district shall have the right of access through its authorized representatives to all properties within said district. The district, through its authorized representatives, may enter upon such lands and make examinations, surveys, and maps thereof.

8. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of flood or storm water, and all necessary appurtenances; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by the district; to acquire the right to carry water through any canal, ditch or conduit not owned or controlled by the district.

9. To incur indebtedness and to issue bonds in the manner herein provided.

10. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

11. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof by this act.

12. To exercise the right of eminent domain within said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district or other public corporation, or agency, or otherwise; provided, however, that the district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location; and provided further, that, notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which

it has already been appropriated; and provided further, that no right shall exist in said district to take by proceedings in eminent domain any property appropriated to public use by any existing county or municipal utility district. The district shall also have and may exercise the right to condemn any existing works or improvements in said district or along streams flowing into said district now or hereafter used to control flood or storm waters, or to protect any property in said district or along streams flowing into said district from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights-of-way, easements, or materials which may be condemned, taken or appropriated under the provision of this act is a public use subject to the regulation and control of the state in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein unless compensation therefor be first provided in the manner prescribed by law.

The power of eminent domain vested in the district shall include the power to condemn in the name of the district either the fee simple or any lesser estate, easement, or interest in any real property which the board of supervisors of the district by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima facie evidence that the taking of such fee simple or any lesser estate or easement or interest, as the case may be, is necessary.

Whenever real property which is devoted to or held for some other public or quasi-public use is required by the district for any purpose authorized by this act, the district may condemn real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property so required by the district.

13. To make contracts with the County of Tulare, and to employ labor for the purpose of doing flood control work and for inspecting and passing upon the adequacy of drainage plans provided for each proposed new subdivision in the County of Tulare, except subdivisions within incorporated cities.

14. To have power to cooperate and contract with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation or contract for the purposes of contracting works, for drainage or flood control, or for the acquisition, purchase, extension, operation, or maintenance of such works, or for the assumption as principal or guarantor of indebtedness to the United States, or for carrying out any of the purposes of the district, and to carry out and perform the terms of any contract so made.

SEC. 6. The Board of Supervisors of Tulare County shall be and is hereby designated as, and empowered to act as, ex officio the Board of Supervisors of the Tulare County Flood Control District. As used elsewhere in this act the terms "board" and "board of supervisors" mean the Board of Supervisors of the Tulare County Flood Control District.

Each member of the board of supervisors of the district shall receive as compensation for his services fifty dollars ($50) per month and his actual and necessary expenses in the performance of official duties under this act, payable from the funds of said district in addition to his salary as county supervisor.

All ordinances, resolutions and other legislative acts for said district shall be adopted by said board of supervisors, and certified to, recorded and published, in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the County of Tulare.

SEC. 7. The board shall appoint a commission consisting of seven (7) members, three (3) of whom shall be freeholders and residents of the incorporated municipal territory of the County of Tulare, and the remaining members shall be freeholders and residents of said county. The board may delegate any or all of its powers to the commission. The board may by resolution provide for compensation for services and payment of the actual necessary expenses incurred by said members in the performance of official duties under this act, payable from the funds of the district. Members of the commission shall serve at the pleasure of the board.

When the board of supervisors has delegated any or all of its powers to the commission, the terms "board" and "board of supervisors" mean the commission. The commission may, by resolution, certified to by the chairman of the commission, take action with reference to any and all matters which have been delegated to it by the Board of Supervisors of the County of Tulare.

SEC. 8. The County Counsel, County Surveyor, County Assessor, County Tax Collector, County Clerk, County Auditor, Purchasing Agent and County Treasurer of the County of Tulare, and their successors in office, and all their assistants, deputies, clerks and employees, and all other officers of said Tulare County, their assistants, deputies, clerks and employees, shall be ex officio officers, assistants, deputies, clerks and employees, respectively, of the district, and shall respectively perform, unless otherwise provided by the board, the same various duties for the district as for said Tulare County, in order to carry out the provisions of this act.

Reimbursement may be made to the county for services rendered to the district by county officers and employees and the amounts of reimbursement shall be established by mutual agreement of the board of supervisors of the county and the board of the district.

All such officers, deputies, clerks and employees shall receive their actual necessary expenses in the performance of official duties under this act payable from the funds of the district, in accordance with such regulations as may be adopted by the Board of Supervisors of Tulare County.

SEC. 9. The board shall have power to make and enforce all needful rules and regulations for the administration and government of the district and in addition to the officers and employees herein otherwise prescribed, the board may in its discretion appoint a chairman, a secretary and such other officers, agents and employees for the board or district as in its judgment may be deemed necessary, prescribe their duties and fix their compensation.

SEC. 10. The board shall have jurisdiction and power to employ competent registered civil engineers to investigate and carefully devise a plan or plans for the accomplishment of any of the purposes of this act; and to obtain such other information in regard thereto as may be deemed necessary or useful for carrying out the purposes of this act. The board may direct such engineer or engineers to make and file reports from time to time with the board, which shall show:

1. A general description of the work proposed to be done, together with general plans, profiles, cross sections, and general specifications relating thereto, on each project or work of improvement.

2. A general description of the lands, rights-of-way, easements and property proposed to be taken, acquired or injured in carrying out said work.

3. A map or maps which shall show the location and zones, as may be required, of each of said projects or improvements, and lands, rights-of-way, easements and property to be taken, acquired or injured in carrying out said work, and any other information in regard to the same that may be deemed necessary or useful.

4. An estimate of the cost of each project or work of improvement, including an estimate of the cost of lands, rights-of-way, easements and property proposed to be taken, acquired or injured in carrying out said project or work of improvement, and also of all incidental expenses incurred or likely to be incurred in connection therewith, including legal, clerical, engineering, superintendence, inspection, printing and advertising, and stating the total amount of bonds, if any, necessary to be issued to pay for the same.

Such engineer or engineers shall from time to time and as directed by the board file with the board supplementary, amendatory and additional reports and recommendations, as necessity and convenience may require.

SEC. 11. The board shall determine which projects or works of improvement shall be carried out and shall determine, as to each project or work of improvement, that it is either:

1 For the common benefit of the district as a whole; or

2. For the benefit of two or more zones hereinafter referred to as participating zones; or

3. For the benefit of a single zone.

SEC. 12. The board may institute projects for single zones and joint projects for two or more zones, for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement of common benefit to such zone or participating zones. For the purpose of acquiring authority to proceed with any such project, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimates of the cost of same to be borne by the particular zone and in the case of participating zones. Said resolution shall also set forth whether bonds are to be used to finance the project or taxes or assessments, and the amounts to be raised for the project. If taxes or assessments are to be used to finance the project, the resolution shall specify the procedure to be followed, under subdivisions 2 and 3 of Section 14, to levy such taxes or assessments. Said resolution shall fix a time and place for public hearing of said resolution and which shall refer to a map or maps showing the general location and general construction of said project. Notice of such hearing shall be given for a period of not less than twenty (20) days. If there is a newspaper of general circulation published or circulated in the territory proposed to be formed into a zone, notice shall be given by publication once a week for two (2) consecutive weeks prior to the hearing, the last publication of which must be at least seven (7) days before said hearing. If there is no such newspaper, notice shall be given by posting notice of the hearing for a period of fourteen (14) days prior to said hearing in five (5) public places as their said territory designated by the board. Said notice shall designate a public place where a copy of the map of the project may be seen by any interested person.

At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board shall consider all written and oral objections to the proposed project, to the proposed methods and amounts of financing the project, and to the inclusion or exclusion of property within the proposed zone or participating zone.

If, in the judgment of the board, evidence given at the public hearing indicates that changes in the proposed project or the methods and amounts of financing the project are necessary or desirable, the board may, at the conclusion of the hearing, adopt a resolution making changes in the proposed project and the methods and amounts of financing the project.

At the conclusion of the hearing, unless the board abandons the proposed project, it shall exclude from the zone or participating zones all property which, in the judgment of the board, will not be benefited by the proposed project.

If, prior to the conclusion of said hearing a written protest against the proposed project signed by a majority in number of the holders of title to real property, or assessable rights therein, or evidence of title thereto, representing one-half or more of the assessed valuation of the real property within such zone or within any of the participating zones for which said project was initiated, be filed with the board. The proceedings relating to such project must be terminated and a new hearing shall be conducted before the board may proceed with the project. Such new hearing may not be held until at least six months following such termination.

In all matters in this section referred to, the last equalized assessment roll of the County of Tulare next preceding the filing of the protest shall be prima facie evidence as to the ownership of real property, the names and number of the persons who are the holders of title or evidence of title, or assessable rights therein, and as to the assessed valuation of real property within the zone or within any of the participating zones for which the project was initiated.

Executors, administrators, special administrators, and guardians may sign the protest provided for in this act on behalf of the estate represented by them. If the property is assessed in the name of such representatives, that fact shall establish the right of such representatives to sign the protest; if assessed in the name of the decedent, minor or incompetent person, certified copies of the letters or such other evidence as may be satisfactory to the board must be produced.

Where real property appears to be owned in common or jointly or by a partnership, or where letters of representatives of decedents, minors or guardians are joint, only one of the owners or representatives or partners may sign the protest for all joint owners or representatives or partners; provided, the party claiming the right to protest for all produces the written consent of his co-owners or representatives or partners so to do, duly acknowledged by the consenting co-owners or representatives or partners in the manner that deeds of real property are required to be acknowledged to entitle such deeds to be recorded in the recorder's office of the county.

Where real property is assessed in the name of a trustee or trustees, such trustee or trustees shall be deemed to be the person entitled to sign the protest, and if assessed in the name of more than one trustee the right to sign the protest shall be determined in like manner as above provided with respect to co-owners.

The protest of any public or quasi-public corporation, private corporation or unincorporated association, may be signed by any person authorized by the board of directors or trustees or other managing body thereof, which authorization shall be in writing; and a proxy executed by an officer or officers thereof, attested by its seal and duly acknowledged, shall constitute sufficient evidence of such authority, and shall be filed with the board.

The owner of any real property or interest therein, appearing upon the assessment roll, which has been assessed in the wrong name or to unknown owners, or which has passed from the owner appearing as such on the last equalized assessment roll, since the same was made, shall be entitled to sign the protest represented thereby, either by the production of a proxy from such former owner, or by furnishing evidence of his ownership by a conveyance duly acknowledged showing the title to be vested in the person claiming the right to sign the protest, accompanied by a certificate of a competent searcher of titles, certifying that a search of the official records of the county, since the date of the conveyance, discloses no conveyance or transfer out from the grantee or transferee named in the conveyance.

Where the real property has been contracted to be sold, the vendee shall be entitled to sign the protest, unless such real property is assessed in the name of the vendor, in which event the vendor shall be entitled to so do.

The board shall be entitled to inquire and take evidence for the purpose of identifying any person claiming the right to sign the protest as being the person shown on the assessment roll or otherwise as entitled thereto. And, unless satisfactory evidence is furnished, the right to sign said protest may be denied.

SEC. 13. If the board determines to proceed with a project in a zone or zones, after the conclusion of the public hearing, it shall call an election to be held in the zone or zones on the question of proceeding with the project. Said election shall be called by the adoption of a notice of election, which shall state the date of the election, the proposition to be voted upon, the hours the polls will be open, and shall designate the election precincts, the polling place within each precinct and the names of the election officers consisting of one inspector, one judge and one clerk for each precinct. Only registered voters within the zone or zones shall be entitled to vote at said election.

The notice of election shall be published or posted pursuant to the same procedure and time limits prescribed for giving notice of the public hearing pursuant to Section 12 of this act. No other notice of such election need be given nor need sample ballots or polling place cards be issued.

The ballot for the election shall contain the following ballot measure:

Shall the proposed flood control project for Zones No. __ in the Tulare County Flood Control District be approved?	Yes	
	No	

The election shall be conducted as one election comprising all of the zones affected, rather than separately in each zone, and precincts established may comprise territory in more than

one zone. If a majority of the voters voting upon the proposition are in favor of the project, the board may proceed with the project. If a majority of said voters vote against said project, the board shall not proceed with said project unless it is later approved by the voters at a subsequent election called and conducted pursuant to this section. Such subsequent elections may be called by the board without conducting additional public hearings.

Said election may be consolidated with any district, city or county election or statewide primary or general election under the provisions of the Elections Code relating to the consolidation of elections and in case of consolidation the notice herein provided for may be modified as provided in the Elections Code.

If the board determines that bonded indebtedness should be incurred to pay for any portion of the cost of a proposed project, then the election required under this section shall be fully consolidated with the bond election, without complying with the procedures for consolidation of elections set forth in the Elections Code, and the procedures for calling and conducting the bond election shall be applicable to both elections, and both propositions shall be included on the ballot for said election. In the case of such a consolidated election, the ordinance required under Section 15 of this act shall constitute the notice of election required under this section and shall contain the information required under this section. If a majority of the voters voting in all of the zones participating in the election, considering such zones as a single unit rather than separately, vote in favor of approving the project, but the bond election fails, the board may proceed to pay the costs of the project out of the taxes or assessments levied under this act or from other sources, excluding bonds.

In all particulars not provided in this act, such election shall be held and conducted and the returns canvassed and declared in the manner provided in the Elections Code for state or county general elections in the County of Tulare, including the provisions governing absentee ballots.

SEC. 14. The board shall have power, in any year:

1. To levy ad valorem taxes or assessments upon all property in the district to pay the general administrative costs and expenses of the district, and to carry out any of the objects or purposes of this act of common benefit to the district; provided, however, that said ad valorem tax or assessment shall not exceed two cents ($0.02) on each one hundred dollars ($100) of assessed valuation, and

2 To levy such taxes or assessments in each or any of said zones and participating zones as have been authorized after proceedings in the manner prescribed in Sections 12 and 13, to pay the cost and expenses of carrying out, constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements established or to be

established within or on behalf of said respective zones, according to the benefits derived or to be derived by said respective zones, by either of the following methods:

(a) By a levy or assessment upon all property within a zone or participating zone, including land, improvements thereon, and personal property;

(b) By a levy or assessment upon all real property within a zone or participating zones, including both land and improvements thereon. It is declared that for the purposes of any tax or assessment levied under this subdivision, the property so taxed or assessed within a given zone is equally benefited.

3. To levy taxes or assessments by either method authorized by subdivision 2 of this section in each or any of said zones, according to the special benefits derived or to be derived by the specific properties therein, to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to such zone or zones, including the constructing, maintaining, operating, extending, repairing, or otherwise improving any or all works of improvement established or to be established within or on behalf of said respective zone or zones.

In the event of project cooperation with any of the governmental bodies as authorized in subdivision 6 of Section 5 of this act, and requiring the making of a contract with any such governmental body for the purposes set forth in said subdivision 6, by the terms of which work is to be performed by any such governmental body in any specified zone or participating zones, for the particular benefit thereof, and by said proposed contract the district is to pay to such governmental body, a sum of money in consideration or subvention for the performance of said work by such governmental body, the board may, after proceedings in the manner prescribed in Sections 12 and 13 of this act, levy and collect a special tax or assessment upon the property in such zone or participating zones, whereby to raise funds to enable the district to make such payment, in addition to other taxes or assessments herein otherwise provided for.

Said taxes or assessments shall be levied and collected together with, and not separately from taxes for county purposes, and the revenues derived from said district taxes or assessments shall be paid into the county treasury to the credit of said district, or the respective zones thereof, and the board shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any zone from the taxes or assessments levied under the provisions of subdivision 2 or 3 of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone, except in the case of joint projects, or for projects authorized or established outside of such zone, or zones, but for the benefit thereof. In cases of projects joint to two or more zones, such zones will become, and shall be referred to as, participating zones.

SEC. 15. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone or zones, the board may, by resolution, determine and declare the respective amounts of bonds necessary to be issued in each zone in order to raise the amount of money necessary for each work or improvement and the denomination and the maximum rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the Office of the Recorder of Tulare County within five days after its issuance. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the board may call a special bond election in said zone or participating zones at which shall be submitted to the qualified electors of said zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied as provided in this act.

(3) Said board shall call such special bond election by ordinance and submit to the qualified electors of said zone or participating zones, the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by said board, and on file for particulars; and said ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. For the purposes of said election, said board shall in said ordinance establish special bond election precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in said district to a number not exceeding six general precincts for each such special bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such special bond election precincts.

In all particulars not recited in said ordinance, such special bond election shall be held as nearly as practicable in conformity with the general election laws of the state.

Said board shall cause a map or maps to be prepared covering a general description of the work to be done, which said

map shall show the location of the proposed works and improvements and shall cause the said map to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

Said ordinance calling for such special bond election shall, prior to the date set for such election, be published in a newspaper of general circulation circulated in each zone and participating zone affected for six consecutive times if published in a daily newspaper of general circulation, or two times if published in a weekly newspaper of general circulation. The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need sample ballots or polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. Where a project affects a single zone only, if at such election two-thirds ($\frac{2}{3}$) of the votes cast in said zone on the proposition of incurring a bonded indebtedness are in favor thereof, then bonds for such zone for the amount stated in such proceedings shall be issued and sold as in this act provided. Where the incurring of bonded indebtedness by participating zones is to be determined at such election, no bonds for any of such participating zones shall be issued or sold unless two-thirds ($\frac{2}{3}$) of the votes cast on the proposition in each such participating zone are in favor of incurring the bonded indebtedness to be undertaken by such zone.

SEC. 16. The board shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, which must include a designation of the zone or participating zone affected, and of the interest coupons attached thereto Said bonds shall be payable annually or semiannually at the discretion of the board each and every year on a day and date, and at a place to be fixed by said board, and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

The board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series. The maturity of each series shall comply with this section. The board may fix a date, not more than two years from the date of issuance, for the earliest maturity of each issue or series of bonds. Beginning with the date of the earliest maturity of each issue or series, not less than one-fortieth of the indebtedness of such issue or series shall be paid every year. The final maturity

date shall not exceed 40 years from the time of incurring the indebtedness evidenced by each issue or series.

The bonds shall be issued in such denomination as the board may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100), nor of a greater denomination than five thousand dollars ($5,000), and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, and shall be made payable annually or semiannually, and said bonds shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the auditor of said district, and the seal of said district shall be affixed thereto by the clerk of the board. Either or both such signatures may be printed, engraved or lithographed. The interest coupons of said bonds shall be numbered consecutively and signed by the said auditor by his printed, engraved or lithographed signature. In case any such officers whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

SEC. 17. The board may issue and sell the bonds of any such zones authorized at not less than par value. Before selling the bonds, or any part thereof, the board shall give notice not less than 10 days prior to the date of sale by publication in a newspaper of general circulation circulating in the district inviting sealed bids in such manner as the board shall 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. The proceeds of the sale of such bonds shall be placed in the Treasury of the County of Tulare to the credit of said district and the respective participating zones thereof, for the uses and purposes of the zone or zones voting said bonds; and the proper record of such transactions shall be placed upon the books of said county treasurer, and said respective zone funds shall be applied exclusively to the purposes and objects mentioned in the ordinance calling for such special bond election as aforesaid, subject to the provisions in this act contained. Payments from said zone funds shall be made upon demands prepared, presented, allowed and audited in the same manner as demands upon the funds of the County of Tulare.

SEC. 18. Any bonds issued under the provisions of this act, and the interest thereon, shall be paid by revenue derived from an annual tax or assessment levied as provided in clause (a) or (b) of subdivision 2 of Section 14 of this act. No zone

nor the property therein shall be liable for the bonded indebtedness of any other zone, nor shall any moneys derived from taxation or assessments in any of the several zones be used in payment of principal or interest or otherwise of the bonded indebtedness chargeable to any other zone.

SEC. 19. The board shall levy a tax or assessment each year sufficient to pay the interest and such portion of the principal of said bonds as is due or to become due before the time for making the next general tax levy. Such taxes or assessments shall be levied and collected in the respective zones of issuance together with and not separately from taxes for county purposes, and when collected shall be paid into the County Treasury of Tulare County to the credit of the zone of issuance, and be used for the payment of the principal and interest on said bonds, and for no other purpose. The principal and interest on said bonds shall be paid by the County Treasurer of said Tulare County in the manner provided by law for the payment of principal and interest on bonds of said county.

SEC. 20. The provisions of law of this state, prescribing the time and manner of levying, assessing, equalizing and collecting county property taxes, including the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers with respect thereto, are, so far as they are applicable, and not in conflict with the specific provisions of this act, hereby adopted and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act. All property exempt from taxation for county purposes under the provisions of the Constitution and the Revenue and Taxation Code of the State of California is exempt from taxation for the purposes of this act.

SEC. 21. The total amount of taxes and assessments levied by the district on property within any zone shall not exceed twenty cents ($0.20) on each one hundred dollars ($100) of assessed valuation for flood control purposes exclusive of the amounts necessary for interest and redemption of any bonds voted within such zone and exclusive of the tax authorized by subdivision 1 of Section 14 of this act. Such taxes and assessments shall not be levied until approved in accordance with Sections 12 and 13 of this act. If property is located in more than one zone, the maximum rate of taxes and assessments levied on said property for all of the zones, collectively, in which the property is located shall not exceed the maximum set forth above.

SEC. 22. A zone formed or proposed to be formed under this act, or the acquisition of any property or the construction of any improvement thereby, shall not be subject to any of the provisions of the District Investigation Law of 1933.

SEC. 23. The bonds of the district issued for any zone thereof pursuant to this act shall be legal investments for all trust funds, and for the funds of all insurance companies,

banks, both commercial and savings, and trust companies, and for the state school funds, and whenever any money or funds may by law now or hereafter enacted be invested in bonds of cities, cities and counties, counties, school districts or municipalities in the State on California, such money or funds may be invested in the said bonds of said district issued in accordance with the provisions of this act, and whenever bonds of cities, cities and counties, school districts or municipalities, may by any law now or hereafter enacted be used as security for the performance of any act, such bonds of said district may be so used.

This section of this act is intended to be and shall be considered the latest enactment with respect to the matters herein contained and any and all acts or parts of acts in conflict with the provisions hereof are hereby repealed.

SEC. 24. All bonds issued by said district under the provisions of this act shall be free and exempt from all taxation within the State of California. It is hereby declared that the district organized by this act is a reclamation district within the meaning of Section 1¾ of Article XIII and Section 13 of Article XI of the Constitution of this state.

SEC. 25. Any improvement or unit of work when the cost thereof according to the estimate of the engineer will exceed five thousand dollars ($5,000), shall be done by contract and shall be let to the lowest responsible bidder or bidders in the manner hereinafter provided. The board shall first determine whether such contract shall be let as a single unit for the whole of the work, or shall be divided into severable convenient parts, or both, according to the best interests of the district. The board shall make call for bids and advertise such call by three (3) insertions in a daily newspaper of general circulation or by two (2) insertions in a weekly newspaper of general circulation printed in said district inviting sealed proposals for the construction or performance of the improvement or work before any contract is made therefor. Such call for bids shall state whether such work is to be performed as a unit for the whole thereof or shall be divided into severable convenient specific parts, or both, as stated in the call. The board may let such work by single contract for the whole thereof as a unit or it may divide such work into severable convenient parts by separate contracts, as stated in such call, according to the best interests of the district. The board shall require the successful bidder or bidders to file with the board a good and sufficient bond to be approved by the board conditioned upon the payment of their claims for labor and material in connection therewith, such bond to contain the terms and conditions set forth in Title 1, Division 5, Chapter 3 of the Government Code and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids and readvertise for new bids, or by a two-thirds vote may elect to undertake such work by force account. In the event no pro-

posals are received pursuant to advertisement therefor, or the estimated cost of such work does not exceed the sum of five thousand dollars ($5,000), or the work consists of channel protection, or maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board of supervisors may, without advertising for bids therefor, have said work done by employees of the district, by day labor, under the direction of the board, by contract, or by a combination thereof. The district shall have the power to acquire in the open market without advertising for bids therefor, materials, equipment and supplies for use in any work or for any other purpose; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds five thousand dollars ($5,000), without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

SEC. 26. Any improvement for which bonds are voted under the provisions of this act, shall be made in conformity with the report, plans, specifications and map theretofore adopted, as above specified, unless the doing of any of such work described in said report, shall be prohibited by law, or be rendered contrary to the best interests of the district by some change of conditions in relation thereto, subsequent to the date of filing the report, plans, specifications and map theretofore adopted, in which event the board of supervisors may order necessary changes made in such proposed work or improvements and may cause any plans and specifications to be made and adopted therefor.

SEC. 27. Whenever bonds have been authorized by any zone or participating zone of said district and said bonds have been issued as in this act authorized, and the board shall by resolution determine that additional bonds should be issued for carrying out the work of flood control, or for any of the purposes of this act, the board may again proceed as in this act provided, and submit to the qualified voters of said zone or participating zone, the question of issuing additional bonds in the same manner and with like procedure as hereinbefore provided, and all the above provisions of this act for the issuing and sale of such bonds, and for the expenditure of the proceeds thereof, shall be deemed to apply to such issue of additional bonds.

SEC. 28. Should a proposition for issuing bonds for any zone or participating zones submitted at any election under this act fail to receive the requisite number of votes of the qualified electors voting at such election to incur the indebtedness, the board shall not for six months after such election call or order another election in such zone or participating zone for incurring indebtedness and issuing bonds under the terms of this act for the same objects and purposes.

SEC. 29. The board may, with the consent of any holder or holders of outstanding bonds of the district, exchange refunding bonds bearing a lower rate of interest for such outstanding bonds.

Whenever any holder of outstanding bond or bonds shall have consented to such exchange, the board may, by resolution entered in its minutes, order the refunding of such bonds. The resolution shall designate the numbers, denominations, dates of maturity and aggregate principal amounts of the bonds so to be refunded and shall provide for the issuance of refunding bonds in exchange therefor, the form, numbers, denominations, dates of maturity and aggregate principal amounts of which shall be the same as the bonds so to be refunded. The resolution shall also fix the rate of interest said refunding bonds shall bear, which rate shall be less than the rate provided in the bonds to be refunded. The resolution shall also fix the form of the interest coupons attached to said refunding bonds, which shall be the same as the bonds so to be refunded, excepting that the rate and amounts of interest shall be less as hereinabove provided.

The refunding bonds shall be signed by the chairman of the board or such other member of the board as said board may by resolution designate, and shall be countersigned by the treasurer of the district, and the seal of said district shall be affixed thereto. The interest coupons shall be numbered consecutively and signed by the treasurer of said district by his engraved or lithographed signature. In case any officer whose signature or countersignature appears on said bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature 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.

Each refunding bond may be exchanged for its corresponding outstanding bond as the board by agreement with the holder of such outstanding bond may determine, except that in effecting such exchange, any and all matured coupons on said refunding bonds shall be detached and canceled and the principal and accrued interest of both issues shall be accepted at par value and the district shall pay said holder in cash out of moneys in the bond interest fund of the district an amount equal to the difference between the interest on the outstanding bond and on the refunding bond accrued to the date of such exchange.

When any refunding bonds shall have been exchanged, taxes shall be levied and collected to pay the principal and interest thereof as provided by Section 19 all the provisions of which section shall apply to said refunding bonds to the same extent as to original issues.

The refunding bonds shall also be legal investments for fiduciaries and others as provided in Section 23.

SEC. 30. The repeal or amendment of this act shall not in any way affect or release any of the property in said district or any zone thereof from the obligations of any outstanding bonds or indebtedness until all such bonds and outstanding indebtedness have been fully paid and discharged.

SEC. 32. (a) If by any judgment in condemnation or agreement the district shall be required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board shall have power to acquire in the name of the district, by agreement or condemnation, all rights-of-way and other property necessary or proper for compliance with said agreement or said judgment of condemnation and thereafter to make such conveyance of such relocated street, road, highway, railroad, canal, or other property as may be proper to comply with said agreement or judgment.

(b) In the event the district and any common carrier railroad or other public utility fail to agree as to the character or location of new improvements or works sought to be performed by the district, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Public Utilities Commission; and jurisdiction of such controversies is hereby vested in said commission.

SEC. 33. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 34. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in said district, and shall be held by said district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property, as herein provided; and said board may determine, by resolution duly entered in their minutes that any property, real or personal, held by said district is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell, lease or otherwise dispose of said property in the manner prescribed by law for such action by counties.

SEC. 35. The district formed under this act in order to determine the legality of its existence, may institute a proceeding therefor in the superior court of this state, in and for the County of Tulare, by filing with the clerk of said county a complaint setting forth the name of the district, its exterior boundaries, the date of its organization and a prayer that it be adjudged a legal flood control district formed under the provisions of this act. The summons in such proceeding shall be served by publishing a copy thereof once a week for four weeks in a newspaper of general circulation published in

said county. Within thirty (30) days after proof of publication of said summons shall have been filed in said proceeding, the state, any property owner or resident in said district, or any person interested may appear as a defendant in said action by serving and filing an answer to said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of the district and shall be served upon the county counsel before being filed in such proceeding. Such proceeding is hereby declared to be a proceeding in rem and the final judgment rendered therein shall be conclusive against all persons whomsoever, including the district and the State of California.

SEC. 36. The board may require any officer or employee to give bond for the faithful performance of the duties of his office, in such penal sum as may be fixed by the board. When deemed expedient by the board, a master bond may be used which shall provide coverage on more than one officer, employee or agent of the district who is required by the district to give bond. Such bond shall be in the form and for the term which is approved by the board. The premium for such bond shall be paid by the district.

SEC. 37. Notwithstanding any provisions of this act to the contrary, in the event the proceeds from the sale of bonds of any zone are invested temporarily in United States bonds, notes, or certificates of indebtedness, or in other legal investments, pending the expenditure of said funds for the purpose or purposes for which said indebtedness was incurred, any revenue or interest received or accruing therefrom may be used to pay the annual or semiannual installments of principal and/or interest on said bonds as same become due.

SEC. 38. This act, and every part thereof, shall be liberally construed to promote the object thereof, and to carry out its intents and purposes.

SEC. 39. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

SEC. 40. Neither the establishment of the district nor anything in this act shall affect, restrict, control or supersede the existence, property, right, or power of any county water district, reclamation district, irrigation district, water conservation district, protection district, municipality, flood control district, or other district or political subdivision of the state now or hereafter established in or partially within the limits of the district for the purpose or purposes in whole or in part of flood control. The Legislature because of conditions special to the County of Tulare hereby expressly declaries its interest to permit within the limits of the Tulare County Flood Control District the existence of more than one district or municipality having similar powers over the same territory in regard to flood control.

SEC. 41. The formation of the district or the enactment of this act shall not impair the vested right of any person, association, corporation, public district of any kind, or political subdivision of the state, in or to water or the use thereof.

CHAPTER 1150

An act to add Section 35795 to the Vehicle Code, relating to vehicle permits.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 35795 is added to the Vehicle Code, to read:

35795. The Department of Public Works may charge a fee for the issuance of permits pursuant to the provisions of this article.

The fee schedule established by the Department of Public Works pursuant to this section shall be established by a regulation adopted pursuant to Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code), and shall not produce a total estimated revenue in excess of the estimated total cost to that department for administering the provisions of this article.

The funds collected pursuant to the provisions of this section shall be deposited in the State Highway Fund.

CHAPTER 1151

An act to amend Section 6833 of the Elections Code, relating to nomination papers filed by independent candidates.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 6833 of the Elections Code is amended to read:

6833. Nomination papers required to be filed with the Secretary of State or with the county clerk shall be filed not more than 65 nor less than 40 days before the day of the election, but shall be prepared, circulated, signed, verified and left with the county clerk for examination, or for examination and filing, no earlier than 70 days before the election and no later than 5 p.m. 46 days before the election. If the total number of signatures submitted to a county clerk for an office entirely within that county does not equal the number of signatures

needed to qualify the candidate, the county clerk shall declare the petition void and is not required to verify the signatures. If the district falls within two or more counties, the county clerk shall within two working days report in writing to the Secretary of State the total number of signatures filed. If the Secretary of State finds that the total number of signatures filed in the district or state is less than the minimum number required to qualify the candidate he shall within one working day notify in writing the counties involved that they need not verify the signatures.

CHAPTER 1152

An act to amend Section 172f of the Penal Code, relating to alcoholic beverages.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 172f of the Penal Code is amended to read:

172f. The provisions of Sections 172, 172a, 172b, 172d, and 172g of this code shall not apply to the sale or the exposing or offering for sale of any intoxicating liquor in any premises within the areas prescribed by said sections for which a license was issued under the Alcoholic Beverage Control Act (Division 9 (commencing with Section 23000), Business and Professions Code) and is in effect on the effective date of this section or on the effective date of any amendment to Section 172g specifying an additional institution, or in any licensed premises which may become included in such a prescribed area because of the extension of the boundaries of any of the institutions mentioned in said sections or because of the increased enrollment or number of resident students at any of such institutions.

Any such licenses may be transferred from person to person, and may be transferred from premises to premises if the premises to which the license is transferred are not located nearer to the boundaries of the institution, as they exist on the date of the transfer, than the premises from which the license is transferred, except that such license may be transferred once from premises to premises located nearer by not more than 200 feet to the boundaries of the institution as they exist on the date of transfer than the premises from which the license is transferred. If a license is transferred pursuant to this section from premises to premises located nearer by not more than 200 feet to the boundaries of the institution as they exist on the date of the transfer than the premises from which the license is transferred, such license shall not be thereafter transferred to any other premises located nearer to the boundaries of the institution as they exist on the date of the transfer than the premises from which the license is transferred.

CHAPTER 1153

An act to amend Section 6362 of the Revenue and Taxation Code, relating to sales and use tax exemptions.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 6362 of the Revenue and Taxation Code is amended to read:

6362. (a) 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 tangible personal property which becomes an ingredient or component part of any newspaper or periodical regularly issued at average intervals not exceeding three months and any such newspaper or periodical.

(b) 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 a photograph, whether or not produced to special order, when the possession, but not the title, of the photograph is transferred for the purpose of being reproduced one time only, in a newspaper regularly issued at the intervals set forth in subdivision (a) of this section.

CHAPTER 1154

An act to add Chapter 3.1 (commencing with Section 4215) to Division 5 of Title 1 of the Government Code, relating to public contracts.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 3.1 (commencing with Section 4215) is added to Division 5 of Title 1 of the Government Code, to read:

CHAPTER 3.1. PROTECTION OF PUBLIC UTILITIES IN PUBLIC CONTRACTS

4215. It shall be the responsibility of state and local public agencies when letting construction contracts for street, road or highway construction, the completion of which will require removal or relocation of utility facilities, to:

(a) Let construction contracts only after provisions have been made in the contract for the removal or relocation of utility facilities.

(b) Include in the contract documents provisions that the contractor shall not be assessed liquidated damages for delay in completion of the project, when such delay was caused by the failure of the awarding agency or the owner of the utility to provide for removal or relocation of the existing utility facilities.

Nothing herein shall preclude the contracting agency from pursuing any appropriate remedy against the utility for delays which are the reponsibility of the utility.

CHAPTER 1155

An act to amend Section 25503.5 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 25503.5 of the Business and Professions Code is amended to read:

25503 5. (a) A winegrower, beer manufacturer, or a beer and wine wholesaler may, without charge, instruct licensees and their employees, or conduct courses of instruction for licensees and their employees, on the subject of wine or beer, including but not limited to the history, nature, values, and characteristics of wine or beer, the use of wine lists, and the methods of presenting and serving wine or beer. The winegrower, beer manufacturer, or beer and wine wholesaler may furnish wine or beer and such equipment, materials and utensils as may be required for use in connection with such instruction or courses of instruction.

(b) A distilled spirits manufacturer, distilled spirits manufacturer's agent, distilled spirits general rectifier, or distilled spirits general importer may, without charge, instruct licensees and their employees, or conduct courses of instruction for licensees and their employees, on the subject of distilled spirits, including, but not limited to, the history, nature, values, and characteristics of distilled spirits, and the methods of presenting and serving distilled spirits. The distilled spirits manufacturer or distilled spirits manufacturer's agent may furnish distilled spirits and such equipment, materials, and utensils as may be required for use in connection with such instruction or courses of instruction.

(c) Such instruction or courses of instruction may be given at the premises of the winegrower, beer manufacturer, beer and wine wholesaler, distilled spirits manufacturer, distilled spirits manufacturer's agent, distilled spirits general rectifier, distilled spirits general importer or of a licensee, including an on-sale retail licensee, or elsewhere.

CHAPTER 1156

An act to amend Section 2451.4 of the Business and Professions Code, relating to podiatry.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 2451.4 of the Business and Professions Code is amended to read:

2451.4. On and after January 1, 1969 no certificates or renewals of certificates to practice "chiropody" will be issued by the board. In place of such term the board shall use the words "podiatry" or "podiatrist" and shall not use the words "chiropody" or "chiropodist." In the case of all applications for renewals of unexpired, expired, or suspended certificates or licenses pursuant to Article 15 (commencing with Section 2450) of Chapter 5 of Division 2, and upon the submission, by the podiatrist, of his existing certificate or license, or an appropriate affidavit as to the loss, mutilation or destruction thereof, together with the application for renewal thereof, the board shall issue a new certificate or license to such podiatrist which shall be identical to the previous certificate or license, except in the following respects:

(1) The words "podiatry" or "podiatrist" shall be used in all places instead of the words "chiropody" or "chiropodist."

(2) If the name of the academic institution from which the podiatrist has graduated and received a degree or diploma has changed, the new name of such academic institution shall be inserted in place and instead of the name on the previous certificate or license.

(3) If the academic institution from which the podiatrist has graduated and received a degree or diploma issues degrees or diplomas of "Doctor of Podiatric Medicine," then upon submission of such proof as the board may require that the podiatrist has been awarded such degree or diploma, the term or suffix "DPM" shall be inserted instead of the term or suffix in the previous certificate or license, notwithstanding any provisions to the contrary in Section 2398.

(4) If a graduate from an approved academic institution, which is no longer in existence, receives a degree or diploma of "Doctor of Podiatric Medicine" from any other approved academic institution, then upon submission of such proof as the board may require that the podiatrist has been awarded such degree or diploma, the term or suffix "DPM" shall be inserted instead of the term or suffix in the previous certificate or license, notwithstanding any provisions to the contrary in Section 2398.

(5) Any such certificate or license shall, at the bottom thereof, state the date upon which it is issued in the following manner: "This Certificate to Practice Podiatry is issued on the _____ day of _____ and replaces the original certificate issued _____."

No action or proceeding commenced before the operative date of this section and no rights given by any certificate issued before the effective date of this section shall be affected by the enactment of this section, but all procedures hereafter taken, and all rights resulting from any such certificates, shall hereafter conform to, and be exercised according to, the provisions of this section as far as possible.

CHAPTER 1157

An act to add Section 31831.2 to the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 31831.2 is added to the Government Code, to read:

31831.2. Any active member who elected deferred retirement and left his funds on deposit in a retirement system established under this chapter or in the Public Employees' Retirement System and became within 90 days thereafter an employee of a county or district which was, at the time of his employment, or thereafter became included in another retirement system established under this chapter, but who did not receive an age at entry into the second system which corresponded to his age at entry into the first system, shall be entitled to have his contributions to the second system computed on the basis of his age at entry into the first system, if the member retains his active membership in the second system or has elected deferred retirement in the second system. Any active member who qualifies for a reduced age at entry pursuant to this section shall be entitled to a proportionate refund of his contributions from the second system to the extent that the reduced age at entry would have resulted in a requirement for reduced contributions by such active member to the second retirement system. As used in this section "active member" means a member in the active service of any county or district with a retirement system established under this chapter.

CHAPTER 1158

An act to amend Section 651.3 of, and to add Sections 652.5 and 656 to, the Business and Professions Code, relating to the healing arts.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 651.3 of the Business and Professions Code is amended to read:

651.3. No person, whether or not licensed under this division, shall advertise or cause or permit to be advertised, any representations in any form which in any manner, whether directly or indirectly, refer to the cost, price, charge, or fee to be paid for any commodity or commodities furnished or any service or services performed by any person licensed as a physician and surgeon, optometrist, or registered dispensing optician, when those commodities or services are furnished in connection with the professional practice or business for which he is licensed; provided, however, that the provisions of this section do not apply to the furnishing of information regarding benefits available, and charges therefor, under the coverage of any hospital or medical service or insurance plan.

This section shall not be construed to modify or establish prices or fees or to modify or affect in any manner any other provisions of this division.

This section shall not be construed to prohibit advertising concerning the allowance of credit, time payments, budget terms, or the allowance of any other method of payment for a commodity or a service where the advertising contains no indication of cost, price, charge, or fee.

SEC. 2. Section 652.5 is added to the Business and Professions Code, to read:

652.5. Any violation of this article constitutes a misdemeanor as to any and all persons, whether or not licensed under this division.

SEC. 3. Section 656 is added to the Business and Professions Code, to read:

656. Whenever any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, a violation of any provision of this article, 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 State Board of Optometry, the Board of Medical Examiners of the State of California, the Board of Osteopathic Examiners, 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, except that no undertaking shall be required in any action commenced by such boards, the Attorney General, or a district attorney.

CHAPTER 1159

An act to amend Section 3301 of, and to add Sections 3301.1, 3301.2, and 3301.3 to, the Corporations Code, relating to corporations.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 3301 of the Corporations Code is amended to read:

3301. Every domestic corporation organized on or after the operative date of the amendment of this section by the Legislature at its 1969 Regular Session shall within 90 days after the filing of its articles of incorporation with the Secretary of State, and every domestic corporation heretofore or hereafter organized (other than a corporation which has already filed such a statement during the preceding three calendar months and there is no change in the information therein) shall during the period commencing on April 1st and ending on June 30th in each year, file with the Secretary of State, on a form prescribed by him, a statement of the names and complete business or residence addresses of its president, vice president, secretary, and treasurer, together with a statement of the location and address of its principal office. If desired, the statement may designate, as the agent of such corporation for the purpose of service of process, any natural person residing in this state or any corporation which has complied with Section 3301.5 or Section 6403.5 and whose capacity to act as such agent has not terminated. If a natural person be designated, the statement shall set forth his complete business or residence address. If a corporate agent be designated, the statement shall set forth the state or place under the laws of which such agent was incorporated and the name of the city, town or village wherein it has the office at which the corporation designating it as such agent may be served, as set forth in the certificate filed by such corporate agent pursuant to Sections 3301.5. 3301.6, 6403.5 or 6403.6.

In the event of any change in the location or address of its principal office or the stated address of a natural person whom it has designated as such agent or the city, town or village wherein it may be served by delivery of a copy of any process to a corporate agent, a domestic corporation shall

forthwith file with the Secretary of State a statement of such new location or address or such new city, town or village, which statement shall also include the names and addresses of the then officers, the names and addresses of whom are required above to be stated.

A corporation may at any time file a new statement wherein a new agent for service of process is designated or a prior designation of agent is expressly revoked without designating a new agent, and such filing shall be deemed to revoke any prior designation of agent.

Delivery by hand of a copy of any process against the corporation (a) to any natural person designated by it as agent, or (b), if the corporation has designated a corporate agent, at the office of such corporate agent in the city, town or village named in the statement filed by the corporation pursuant to this section to any person at such office named in the certificate of such corporate agent filed pursuant to Section 3301.5 or 6403.5, if such certificate has not been superseded, or otherwise to any person at such office named in the last certificate filed pursuant to Section 3301.6 or 6403.6, shall constitute valid service on the corporation.

The Secretary of State shall establish by regulation a fee to be charged and collected for filing a statement of the names and addresses of officers and the location and address of the principal office of the corporation as provided in this section. The filing fee shall approximate the estimated cost of such filing, and in any event shall not exceed three dollars ($3) for each filing. For filing a combined statement of the names and addresses of officers, the location and address of the principal office and a designation of agent for service of process, the Secretary of State shall charge and collect a filing fee of five dollars ($5). The information filed by a corporation pursuant to this section shall be made available to the public upon request. For furnishing a copy of any such statement, the Secretary of State shall charge and collect a fee of one dollar ($1).

SEC. 2. Section 3301.1 is added to the Corporations Code, to read:

3301.1. Any corporation which shall fail to make the initial filing required by Section 3301 of a corporation organized on and after the operative date of this section, or any corporation which shall fail to make the annual filing required by such section to be made during the period commencing on April 1st and ending on June 30th in each year, shall be deemed in default and, except for the purpose of amending the articles of incorporation to set forth a new name, the corporate powers, rights and privileges of such corporation shall, as soon as practicable, be suspended by the Secretary of State and thereupon the Secretary of State shall notify the corporation and the Franchise Tax Board of such suspension. If the only address disclosed by the records of the Secretary of State for the corporation's principal office is the county in which the

office is located, then such notice of the suspension of the corporation's powers shall be sent to the county seat addressed to the corporation in care of the county clerk, who shall promptly send it to the corporation at its address in the county, if known to him, or if unknown, he shall cause the notice to be posted at the courthouse of the county for 30 days.

SEC. 3. Section 3301.2 is added to the Corporations Code, to read:

3301.2. Any defaulting corporation which has suffered the suspension provided for in Section 3301.1 and whose corporate powers are not also otherwise suspended may be relieved therefrom upon making an application therefor to the Secretary of State on a form prescribed by him, making the filing required by Section 3301, and making payment of the required filing fee. Application for such relief may be made by any shareholder or creditor of the corporation or by a majority of the surviving directors or trustees of the corporation; provided, however, that if the name of the corporation which has suffered such suspension is one which is likely to mislead the public or is the same as, or resembles so closely as to tend to deceive, the name of a foreign or domestic corporation which is authorized to transact business in this state or a name which is under reservation, the Secretary of State shall not relieve the corporation of such suspension until the corporation files in his office a certificate of amendment changing the corporate name. The Secretary of State shall promptly notify the corporation and the Franchise Tax Board of such relief from the suspension of corporate powers pursuant to Section 3301.1, but such relief shall not revive any corporate powers then suspended pursuant to any other provision of law.

SEC. 4. Section 3301.3 is added to the Corporations Code, to read:

3301 3. The Secretary of State may destroy or otherwise dispose of any statement filed pursuant to Section 3301 after it has been superseded by the filing of a new statement.

SEC. 5. This act shall become operative on January 1, 1971.

CHAPTER 1160

An act to amend Section 6554 of the Elections Code, relating to filing fees.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 6554 of the Elections Code is amended to read:

6554. A filing fee of ten dollars ($10) shall be paid to the county clerk for filing a declaration of candidacy for an office

to be voted for wholly within one county with the following exceptions:

(a) No filing fee is required from any person to be voted for at the presidential primary.

(b) No filing fee is required from any candidate for an office for which no fixed compensation is payable.

(c) No filing fee is required for offices the compensation for which does not exceed the sum of six hundred dollars ($600) annually.

(d) A filing fee of 1 percent of the annual salary of the office shall be paid to the county clerk by each candidate for a judicial office or for the office of district attorney.

(e) The filing fee to be paid to the county clerk by each candidate for a county office, other than a judicial office and the office of district attorney, shall be the same percentage of the annual salary of the office as that provided for in subdivision (a) of Section 6552 of this code. This subdivision shall not apply to any candidate for any office for which the annual salary is two thousand five hundred dollars ($2,500) or less.

CHAPTER 1161

An act to amend the heading of Part 3.5 (commencing with Section 13890) of Division 3 of Title 2, and Sections 13890, 13891, as amended by Chapter 138 of the Statutes of 1969, 13891.2, as added by Chapter 101 of the Statutes of the First Extraordinary Session of 1964, 13891.3 and 13892.5, as amended by Chapter 138 of the Statutes of 1969, of, to add Chapter 5.5 (commencing with Section 8320) to Division 1 of Title 2 and Part 5.7 (commencing with Section 14980) to Division 3 of Title 2 of, and to repeal Sections 13891.1, 13891.2, as added by Chapter 138 of the Statutes of 1969, and 13891.4, as added by Chapter 138 of the Statutes of 1969, and Chapter 5.5 (commencing with Section 8320) of Division 1 of Title 2, and Part 5.7 (commencing with Section 14890) of Division 3 of Title 2, as added by Chapter 138 of the Statutes of 1969 of, the Government Code, relating to the Department of Commerce.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969]

The people of the State of California do enact as follows:

SECTION 1. The heading of Part 3.5 (commencing with Section 13890) of Division 3 of Title 2 of the Government Code is amended to read:

PART 3.5. DIVISION OF TOURISM AND VISITOR SERVICES

SEC. 2. Section 13890 of the Government Code is amended to read:

13890. As used in this part:

(a) "Division" means the Division of Tourism and Visitor Services of the Department of Commerce.

(b) "Director" means the Director of the Department of Commerce.

(c) "Commission" means the Tourism and Visitor Services Commission.

SEC. 3. Section 13891 of the Government Code as amended by Chapter 138 of the Statutes of 1969 is amended to read:

13891. There is in the Department of Commerce a Division of Tourism and Visitor Services.

SEC. 4. Section 13891.1 of the Government Code is repealed.

SEC. 5. Section 13891.2 of the Government Code as added by Chapter 101 of the Statutes of the First Extraordinary Session of 1964 is amended to read:

13891.2. There is in the Department of Commerce, a Tourism and Visitor Services Commission. The commission shall be composed of 15 members appointed by the Governor, by and with the advice and consent of the Senate, and who shall serve at the pleasure of the Governor. In appointing the members of the commission, the Governor shall endeavor to provide for representation of regional promotion organizations, hotel and motel owners and operators, recreation facilities operators and owners, carriers, and the general public. The members of the commission shall serve without compensation but shall be reimbursed for all necessary expenses actually incurred in the performance of their duties. The commission shall advise the director in carrying out his functions and duties under this chapter.

SEC. 6. Section 13891.2 of the Government Code as added by Chapter 138 of the Statutes of 1969 is repealed.

SEC. 7. Section 13891.3 of the Government Code is amended to read:

13891.3. All state departments and agencies shall cooperate with and assist the division in carrying out its functions and responsibilities under this chapter.

SEC. 8. Section 13891.4 of the Government Code as added by Chapter 138 of the Statutes of 1969 is repealed.

SEC. 9. Section 13892.5 of the Government Code as amended by Chapter 138 of the Statutes of 1969 is amended to read:

13892.5. The division shall, through the Director of Commerce and the Secretary of the Agriculture and Services Agency, submit annual reports of its activities to the Governor and the Legislature.

SEC. 10. Chapter 5.5 (commencing with Section 8320) of Division 1 of Title 2 of the Government Code is repealed.

SEC. 11. 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 INDUSTRY AND WORLD TRADE

Article 1. General

8320. There is in the Department of Commerce a world trade division and a California Industry and World Trade Commission.

8321. Unless the context requires otherwise, as used in this chapter, "commission" means the California Industry and World Trade Commission and "division" means the Division of World Trade of the Department of Commerce.

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.

8324. The Department of Commerce 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.

8325. The Department of Commerce 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 division 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 Department of Commerce may permit such buildings to be named "California World Trade Center," and the Department of Commerce may permit the name of the city in which such building is located to be added to such name.

8326. On the operative date of the chapter the Department of Commerce shall succeed to all the funds, properties, indebtedness, and obligations of the California World Trade Authority.

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.

Article 3. Division of World Trade

8350. The division 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.

8351. The division 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.

8352. The division shall provide assistance, when requested, to businesses and individuals in securing state representation to foreign governments relative to trade matters or agreements.

8353. The division shall maintain a referral service for trade lead inquiries and process to organizations and individuals engaged in trade lead development.

8354. The division shall publish and maintain a state directory of exporters and importers.

8355. The division 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.

8356. The division shall establish programs designed to encourage and assist domestic manufacturers and producers into entering the export business.

Article 4. The California Industry and World Trade Commission

8365. The commission is composed of 15 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.

8366. Members of the commission are entitled to their actual necessary expenses incurred while on business of the commission.

8367. The Governor shall appoint a chairman of the commission. The Deputy Director for Industry and Trade of the Department of Commerce shall act as executive officer to the commission.

8368. The Department of Commerce shall furnish such administrative, professional, technical, and clerical assistance and office space to the commission as necessary.

8369. A majority of the members of the commission shall constitute a quorum for the transaction of business for the commission.

8370. The commission 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 chair-

man at any time he deems it is necessary to handle special or emergency matters. The commission may act without a meeting if a majority of the members approve of the action taken in writing.

8371. The commission may adopt such rules and regulations as it deems advisable with respect to the conduct of its own affairs.

8372. The commission shall advise the Department of Commerce on the areas of expertise with which such commission is concerned.

SEC. 12. Part 5.7 (commencing with Section 14980) of Division 3 of Title 2 of the Government Code as added by Chapter 138 of the Statutes of 1969 is repealed.

SEC. 13. Part 5.7 (commencing with Section 14980) is added to Division 3 of Title 2 of the Government Code, to read:

PART 5.7. DEPARTMENT OF COMMERCE

14980. There is in the state government, in the Agriculture and Services Agency, the Department of Commerce. The department consists of the following: the Division of World Trade; the Division of Economic Development; the Museum of Science and Industry; and the Division of Tourism and Visitor Services.

14981. The department shall be conducted under the control of an executive officer known as the Director of Commerce, who shall be appointed by the Governor, subject to confirmation by the Senate, and hold office at the pleasure of the Governor. He shall receive the annual salary provided for by Article 1 (commencing with Section 11550) of Chapter 6 of Part 1 of Division 3 of Title 2 of this code.

14982. The provisions of Chapter 2 (commencing with Section 11150) of Part 1 of Division 3 of Title 2 of this code apply to the Director of Commerce, and he is the head of a department within the meaning of that chapter.

14983. The person holding the confidential position to which the Director of Commerce is entitled under paragraph 5 of subdivision (a) of Section 4 of Article XXIV of the State Constitution shall be the Deputy Director of Commerce.

14984. The Governor shall appoint a Deputy Director for Industry and Trade, a Deputy Director for Tourism, and Chief Economist for the department, all serving at the pleasure of the Director of Commerce.

14985. The Director of Commerce shall direct the activities of the several divisions within the Department of Commerce, and provide direction of the programs of those divisions with the objective of promoting and stimulating the economic growth of the State of California.

14986. Except to the extent expressly provided by this part, the Department of Commerce and the Director of Commerce succeed to the duties, powers, purposes, responsibilities,

and jurisdiction previously vested in the several agencies comprising the department.

14987. The Department of Commerce shall have the possession and control of all records, papers, offices, equipment, supplies, land, and other property, real or personal, held for the benefit or use of any division in the performance of its duties, powers, purposes, responsibilities, and jurisdiction.

14988. The Director of Commerce succeeds to the powers, with respect to the Museum of Science and Industry, vested in the Department of Agriculture by Part 3 (commencing with Section 3801) of Division 3 of the Agricultural Code.

SEC. 14. It is the intent of the Legislature in enacting this act, that in the event of any conflict between the provisions of this act and Reorganization Plan No. 1 of 1968 or Reorganization Plan No. 1 of 1969, that the provisions of this act shall control.

SEC. 15. On the effective date of this act the Department of Commerce shall succeed to the duties, powers, purposes, responsibilities and jurisdiction previously vested in the California World Trade Authority, the Office of Tourism and Visitor Services, the Division of Economic Development, and the Department of Agriculture with respect to the Museum of Science and Industry. Pursuant to Sections 16304.9 and 19370 of the Government Code, the apportioned unexpended appropriations and members of the state civil service of any agency, the functions of which the Department of Commerce succeeds to, shall be transferred to the Department of Commerce.

CHAPTER 1162

An act to repeal Sections 4104, 4105, and 4106 of the Agricultural Code, and to amend Section 19622 of the Business and Professions Code, relating to fairs.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 4104 of the Agricultural Code is repealed.

SEC. 2. Section 4105 of the Agricultural Code is repealed.

SEC. 3. Section 4106 of the Agricultural Code is repealed.

SEC. 4. Section 19622 of the Business and Professions Code is amended to read:

19622. The following amounts are hereby annually appropriated out of the fund:

(a) Two hundred sixty-five thousand dollars ($265,000) for the support of the California State Fair and Exposition.

(b) Two hundred fifty thousand dollars ($250,000) for the support of the Los Angeles County Fair.

(c) Two hundred fifty thousand dollars ($250,000) for the support of the 1-A District Agricultural Association.

(d) One hundred twenty-five thousand dollars ($125,000) for the support of the 48th District Agricultural Association.

SEC. 5. This act shall become operative July 1, 1970.

CHAPTER 1163

An act to amend Section 11171 of the Welfare and Institutions Code, relating to homemaker services.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 11171 of the Welfare and Institutions Code is amended to read:

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. Part-time as well as full-time employees may be used.

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 city, county, or city and county agency, a local health district, a voluntary nonprofit agency, or with an individual under exceptional circumstances where needed services cannot otherwise be provided. Such a contract shall include a provision that assures preference will be given to the employment of recipients of public assistance.

CHAPTER 1164

An act to amend Section 12031 of the Penal Code, relating to the carrying of firearms.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969]

The people of the State of California do enact as follows:

SECTION 1. 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 the 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 animal control officers or zookeepers, regularly compensated as such by a governmental agency when acting in the course and scope of their employment and when designated by a local ordinance or, if the governmental agency is not authorized to act by ordinance, by a resolution, either individually or by class, to carry such weap-

ons, or 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.

(11) Uniformed security guards, regularly employed and compensated as such by persons engaged in any lawful business, while actually engaged in protecting and preserving the property of their employers.

(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.

CHAPTER 1165

An act to amend Section 18214 of, and to add Section 18213.5 to, the Health and Safety Code, relating to mobilehome parks.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 18213.5 is added to the Health and Safety Code, to read:

18213.5. "Mobilehome accommodation structure" is a building or structure which is designed to accommodate mobilehomes above grade level. The commission may adopt such rules and regulations for the construction and operation of mobilehome accommodation structures as the commission determines is necessary for the protection of the health and safety of persons using such structures. Nothing in this section shall prevent local authorities of any city, county, or city and county, from adopting more restrictive regulations relating to structural standards and fire safety.

SEC. 2. Section 18214 of the Health and Safety Code is amended to read:

18214. "Mobilehome park" is any area or tract of land where one or more mobilehome lots are rented or leased or held out for rent or lease to accommodate mobilehomes used for human habitation, and includes mobilehome accommodation structures. The rental paid for any such mobilehome shall be deemed to include rental for the lot it occupies.

CHAPTER 1166

An act to amend Sections 25451, 25451.3, 25451.7, and 25452.3 of the Education Code, relating to junior colleges.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 25451 of the Education Code is amended to read:

25451. Where a unified school district maintains one or more junior colleges, a junior college district may, pursuant to this article, be formed for purposes of maintaining the one or more junior colleges. The provisions of Article 1 (commencing with Section 25430) of this chapter and Article 3.5 (commencing with Section 25450) of this chapter shall not apply to proceedings to form a junior college district under this article. Proceedings to form a junior college district pursuant to this article shall not require approval by the State Board of Education or the Board of Governors of the California Community Colleges.

SEC. 2. Section 25451.3 of the Education Code is amended to read:

25451.3. The governing board of the unified district may by resolution form a separate junior college district coterminous with the boundaries of the unified district. The governing board of the unified district shall serve also as the governing board of the junior college district.

SEC. 3. Section 25451.7 of the Education Code is amended to read:

25451.7. In any case where a junior college district and a unified district have a common governing board pursuant to the provisions of this article, such governing board shall submit to the county committee on school district organization, or where there is no such county committee, the county board of education a list of real and personal property, funds and other assets, and obligations of the original unified school district. The common governing board, subject to the approval of the county committee on school district organization, or where there is no such county committee, the county board of education, shall provide for the evaluation and division between the junior college district and the unified school district of the real and personal property, funds and other assets, outstanding and unissued bonds, and other obligations of the original unified school district. In addition the common governing board, subject to the approval of the county committee on school district organization, or where there is no such county committee, the county board of education, shall establish procedures for handling the separate fiscal operations.

The evaluation and division of outstanding and unissued bonds between the unified and junior college district shall be accomplished without an election of the voters of either district and only the pro rata amount of bonded indebtedness divided hereunder shall be a liability of each district for purposes of determining the total authorized bonded indebtedness of each district. The common governing board, subject to the approval of the county committee on school district organization, or where there is no such county committee, the county board of education, shall select a date for evaluation purposes under this article.

All other evaluation and division of any assets and liabilities of each district not expressly provided for in this article shall be completed by the common governing board in accordance with a plan approved by the county committee on school district organization, or where there is no such county committee, the county board of education.

SEC. 4. Section 25452.3 of the Education Code is amended to read:

25452.3. Whenever, under the procedure prescribed in this article, a junior college district is formed to assume the maintenance and operation of any junior college previously maintained and operated by a unified school district, all employees of such unified district who are designated by the governing board of the unified school district as having been employed in connection with such junior college during the school year preceding the school year in which the newly formed junior college district becomes effective for all purposes shall choose whether to be designated employees of the new junior college district or be designated employees of the unified district. All employees shall retain all personal rights, benefits, and status which they had accumulated or to which they were entitled in such unified district. Employees who are members of a local district retirement plan discontinued pursuant to Section 14690 shall retain membership and all rights in such retirement plan, and shall continue to receive the other benefits from any reserve fund established pursuant to Section 14690 in accordance with a plan adopted by the common governing board and approved by the county committee on school district organization, or where there is no such county committee, the county board of education.

SEC. 5. An amount equal to the unexpended balance, as of June 30, 1969, of the appropriation made pursuant to Section 3.5 of Chapter 931 of the Statutes of 1968 is hereby reappropriated for the same purpose as set forth in that section. Any undistributed amounts remaining from this reappropriation, 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, 1971.

CHAPTER 1167

An act to amend Section 13355 of the Vehicle Code, relating to drivers' licenses.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 13355 of the Vehicle Code is amended to read:

13355. The department shall revoke the privilege of any person to operate a motor vehicle who has been found by a judge of the juvenile court to have committed any of the following offenses:

(a) Manslaughter arising from the operation of a motor vehicle.

(b) Operating a vehicle while a habitual user of narcotic drugs or while under the influence of intoxicating liquor or narcotic drugs.

(c) Failure of the driver of a vehicle involved in an accident resulting in injury or death to any person to stop or otherwise comply with Section 20001 hereof.

(d) Two or more offenses of violating Section 20002, 23103, 23104, or subdivision (a) of Section 23109 within a period of 12 months from the time of the first offense, or upon a combination of two or more of any such offenses within a like period.

Each judge of a juvenile court shall immediately report such findings to the department.

CHAPTER 1168

An act to amend Section 13223 of the Education Code, relating to certificated employees.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 13223 of the Education Code is amended to read:

13223. Any school district may establish a teacher education internship program to meet the provisions of the statutes and of the regulations of the State Board of Education for regular standard teaching credentials, restricted teaching credentials, and pupil personnel, supervision, and administration credentials.

CHAPTER 1169

An act to add Sections 12824, 12825, 12826, 12827, 12828, 14001, 14002, 14005, 14006, 14012, and Chapter 3.5 (commencing with Section 14101) to Division 7 of, and to repeal Sections 12824, 12825, 12826, 14001, 14002, 14005, and 14006 of, the Agricultural Code, relating to injurious materials.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 12824 of the Agricultural Code is repealed.

SEC. 2. Section 12824 is added to the Agricultural Code, to read:

12824. The director shall endeavor to eliminate from use in the state any economic poison which endangers the agricultural or nonagricultural environment, is not beneficial for the purposes for which it is sold, or is misrepresented. In carrying out this responsibility, he shall develop an orderly program for the continuous evaluation of all economic poisons actually registered.

SEC. 3. Section 12825 of the Agricultural Code is repealed.

SEC. 4. Section 12825 is added to the Agricultural Code, to read:

12825. Pursuant to Section 12824, the director may, after hearing, cancel the registration of, or refuse to register, any economic poison:

(a) Which has demonstrated serious uncontrollable adverse effects either within or outside the agricultural environment.

(b) The use of which is of less public value or greater detriment to the environment than the benefit received by its use.

(c) For which there is a reasonably effective and practicable alternate material or procedure which is demonstrably less destructive to the environment.

(d) Which, when properly used, is detrimental to vegetation, except weeds, to domestic animals, or to the public health and safety.

(e) Which is of little or no value for the purpose for which it is intended.

(f) Concerning which any false or misleading statement is made or implied by the registrant or his agent, either verbally or in writing, or in the form of any advertising literature.

In making any such determination, the director may require such practical demonstrations as are necessary to determine the facts.

SEC. 5. Section 12826 of the Agricultural Code is repealed.

SEC. 6. Section 12826 is added to the Agricultural Code, to read:

12826. If the director has reason to believe that any of the conditions stated in Section 12825 are applicable to any registered economic poison and that the use or continued use of such economic poison constitutes an immediate substantial danger to persons or to the environment, he may, after notice to the registrant, suspend the registration of such economic poison pending a hearing and final decision. If an accusation pursuant to Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code is not filed within 10 days from the date of the notice, the suspension shall be terminated.

SEC. 7. Section 12827 is added to the Agricultural Code, to read:

12827. The director may cancel the license of, or, refuse to license any manufacturer, importer, or dealer in any economic poison that repeatedly violates any of the provisions of this chapter or the regulations of the director.

The proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code. The director shall have all the powers which are granted therein.

SEC. 8. Section 12828 is added to the Agricultural Code, to read:

12828. Action by the director pursuant to Sections 12824, 12825, 12826, or 12827 is not a condition precedent to the institution of any action to prosecute a violation of the chapter.

SEC. 9. Section 14001 of the Agricultural Code is repealed.

SEC. 10. Section 14001 is added to the Agricultural Code, to read:

14001. The director shall control and otherwise regulate the use of pesticides found to be injurious pursuant to Section 14005, for the purpose of preventing injury from use of such pesticides. As used in this article, "injurious material" means any material which the director finds, pursuant to Section 14005, to be actually injurious or potentially injurious in uses to which it is or is reasonably likely to be put. It does not include a material which is damaging solely to the pest or vegetation it is intended to control.

SEC. 11. Section 14002 of the Agricultural Code is repealed.

SEC. 12. Section 14002 is added to the Agricultural Code, to read:

14002. This chapter applies to all agencies of the United States and the State of California and its subdivisions or to their officers, agents, or employees, except when acting within the scope of their authority and while engaged in conducting or supervising research on any injurious material.

SEC. 13. Section 14005 of the Agricultural Code is repealed.

SEC. 14. Section 14005 is added to the Agricultural Code, to read:

14005. The director, after investigation and hearing, shall adopt regulations which govern the application in pest control or other agricultural operations of any injurious material which he finds and determines is injurious to the environment, or to any person, animal or crop.

SEC. 15. Section 14006 of the Agricultural Code is repealed.

SEC. 16. Section 14006 is added to the Agricultural Code, to read:

14006. The regulations shall prescribe the time when, and the conditions under which, an injurious material may be used in different areas of the state, and may prohibit its use in such areas. Such usage shall be limited to those situations in which it is reasonably certain that no injury will result, or no non-injurious material or procedure is equally effective and practical. They may provide that an injurious material shall be used only under permit of the commissioner or under the direct supervision of the commissioner, subject to any of the following limitations:

(a) In certain areas.

(b) Under certain conditions.

(c) When used in excess of certain quantities or concentrations.

(d) Any other limitation the director determines to be necessary to effectuate the purposes of this chapter.

No permit shall be issued for any injurious material for use in any manner other than pursuant to its registration without the approval of the director. In addition, no permit shall be granted if the commissioner determines that the provisions of subdivisions (a), (b), or (c) of Section 12825 would be applicable to the proposed use.

SEC. 17. Section 14012 is added to the Agricultural Code, to read:

14012. Any person, who is required to register economic poisons under Article 4 (commencing with Section 12811) of Chapter 2 of Division 7, and who sells or transfers any injurious material, shall keep accurate records of the amount and type of material involved in every sale or transfer of any injurious material. Such records shall be open during ordinary business hours to the inspection of the director. A report of sales shall be rendered to the director showing for each injurious material, the type and quantity sold or transferred, other than to another registrant or to persons out of the state, and any other relevant information that the director may require. In addition each commissioner shall report to the director the type and amount of injurious materials for which permits are issued pursuant to Chapter 3 (commencing with Section 14001), Division 7, the crop and pest or pests on which the material is used, and any other relevant information the director may require. Reports from both the registrants and the commissioners shall be rendered to the director quarterly within one calendar month after March 30, June 30, September 30, and December 31, of each year.

The contents of these reports shall be summarized quarterly by the director as to the type of material and amounts, and such summaries shall be made a public record, providing the name of the registrant filing a report shall be confidential. The director may publish or distribute such summaries.

SEC. 18. Chapter 3.5 (commencing with Section 14101) is added to Division 7 of the Agricultural Code, to read:

CHAPTER 3.5. ENVIRONMENTALLY HARMFUL MATERIAL

Article 1. Definitions

14101. As used in this division, "environment" means the aggregate of all factors that influence the conditions of life in or about the state or within any portion thereof, and which are affected by the use of economic poisons or related materials within the state.

Article 2. General Provisions

14102. The director shall prohibit or regulate the use of environmentally harmful materials, pursuant to the provisions of Chapters 2 (commencing with Section 12751) and 3 (commencing with Section 14001) of this division. In so doing, he shall consider the effect of all such materials upon the environment, and shall take whatever steps he deems necessary to protect the environment. He shall also continue to initiate, cooperate, and collaborate with the University of California and with other state agencies in research designed to reduce and eliminate the use of environmentally harmful materials.

14103. In establishing criteria and regulations relating to environmental injury and protection, and in conducting the reviews required in Chapters 2 and 3, the director shall consult with representatives of the Water Resources Control Board, the Departments of Public Health, Fish and Game and Conservation, and four outside experts of his selection from the fields of agricultural, biological, ecological, and medical sciences.

14104. The director shall submit an annual report to the Legislature concerning the use of environmentally harmful materials, the control of these materials, programs leading to their elimination or the elimination of the injury caused, and his progress in improving the condition of the environment in relation to the use of such materials.

CHAPTER 1170

An act to repeal and add Article 10 (commencing with Section 53900), Chapter 4, Part 1, Division 2, Title 5 of the Government Code, relating to local agency financial reports.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Article 10 (commencing with Section 53900) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code is repealed.

SEC. 2. Article 10 (commencing with Section 53900) is added to Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code, to read:

Article 10. Local Filing of Financial Reports

53900. As used in this article, "local agency" means city and any district other than school districts required by the Advisory Committee and the Controller to furnish financial reports pursuant to Section 12463.1.

53901. Within 60 days after the beginning of its fiscal year, every local agency shall file with the county auditor of the county in which it conducts its principal operations a copy of its budget. If a city or district does not have a formal budget, it shall file a listing of its anticipated revenues, together with its expenditures and expenses for the fiscal year in progress.

CHAPTER 1171

An act to amend Section 800 of the Penal Code, relating to time for commencing criminal actions.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969]

The people of the State of California do enact as follows:

SECTION 1. Section 800 of the Penal Code is amended to read:

800. An indictment for any felony, except murder, the embezzlement of public money, the acceptance of a bribe by a public official or a public employee, grand theft, or the falsification of public records, shall be found, an information filed, or case certified to the superior court within three years after its commission. An indictment for the acceptance of a bribe by a public official or a public employee, a felony, shall be found, an information filed, or case certified to the superior court within six years after its commission. An indictment for grand theft shall be found, an information filed, or case certified to the superior court within three years after its discovery.

CHAPTER 1172

An act to add an article heading to Chapter 19 (commencing with Section 1120) of Division 3 of, and to add Article 2 (commencing with Section 1137) to Chapter 19 of Division 3 of, the Probate Code, relating to property interests.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. An article heading is added to Chapter 19 (commencing with Section 1120) of Division 3 of the Probate Code immediately preceding Section 1120, to read:

Article 1. Testamentary Trusts

SEC. 2. Article 2 (commencing with Section 1137) is added to Chapter 19 of Division 3 of the Probate Code, to read:

Article 2. Inter Vivos Trusts

1137. Subject to Section 1137.13 of this code, when a voluntary trust created by a nontestamentary written instrument is irrevocable at its inception or becomes irrevocable by its terms, the superior court of any county in which any trustee resides or the superior court of any county in which the trustee or cotrustee maintains an office in which the day-to-day administration of the trust is conducted shall have jurisdiction for any of the following purposes:

(1) Determining to whom the property shall pass and be delivered upon final or partial termination of the trust, to the extent that such determination is not concluded by the trust instrument.

(2) Settling the accounts and passing upon the acts of the trustee.

(3) Authorizing the trustee to accept additions to the trust from sources other than the trustor.

(4) Any other purposes set forth in this article.

The initial petition shall allege facts establishing the jurisdiction of the court under this article.

1137.1. The trustee may petition the court, from time to time, for instructions as to the administration of the trust and for authority to accept additions to the trust from sources other than the trustor. When it appears from the allegations of the petition that the trustee seeks instructions to exercise a power not conferred upon him, the petition shall set forth the particulars of, and the necessity for, the action sought to be taken. In addition to the notice required by Section 1137.11 of this code, when the petition relates to the exercise of a power not conferred, a copy of the petition shall be attached to, and mailed with, copies of the notice, and, at least 10 days before the time set for the hearing of the petition, the court or judge shall appoint a suitable person who shall appear and act as a guardian ad litem for any person or persons of a designated class who are not ascertained or in being and who may become beneficiaries or may participate in the trust. Section 373 of the Code of Civil Procedure shall not apply to such appointment.

1137.2. Whenever a trustee receives additions to the trust in accordance with a decree rendered pursuant to Section 1137 of this code, such additions shall be subject to the jurisdiction

of the court to the same extent as property received from the trustor.

1137.3. A trustee may, within 60 days after the written request of any current beneficiary or remainderman, submit his accounts for settlement and report his acts as trustee to the court. Upon the termination of the trust or the cessation of any trustee to act as trustee of the trust, the trustee may, within 60 days after the written request of any beneficiary or remainderman, submit such accounts for settlement and report his acts as trustee to the court. For these purposes the trustee or, in the case of his death, his legal representatives may present to the court his verified account and report which shall set forth his accounts in detail, report his acts as trustee, and show the condition of the trust estate. If the trustee does not submit his accounts within 60 days after the written request of such beneficiary or remainderman, the court or a judge thereof may order the trustee, upon notice, to submit his account covering such period as the court may specify. The application shall not be denied where an account has not been submitted to the court within six months.

1137.4. Upon petition, the court may fix, direct, or allow the payment of the compensation of a trustee pursuant to the provisions of Section 2274 of the Civil Code. When the trust instrument does not specify the compensation of a trustee, the court may, in an order settling an account or by any other order, fix or allow a periodic compensation for the trustee or trustees to continue as long as the court may deem proper. This section shall not prevent a trustee from receiving compensation without an order of the court.

1137.5. If a trustee of an inter vivos trust subject to the jurisdiction of the court pursuant to Section 1137 of this code dies, resigns, fails or declines to act, cannot be identified, is incapable of acting for any reason, or is removed, or a vacancy in the trusteeship is otherwise created or exists and the trust instrument does not provide a method for appointing a successor trustee, the court shall have the power to declare a vacancy and appoint a trustee to fill the vacancy upon the petition of the trustee or anyone interested in the trust estate which sets forth the names and last known addresses of the beneficiaries of the trust, as specified in Section 1137.11 of this code, and any cotrustee not petitioning. The court shall accept the resignation of a trustee and make any orders which may be necessary for the preservation of the trust estate. The liability of the resigning trustee or the sureties on his bond shall not be discharged, released, or affected in any manner by the resignation, but shall continue until the trustee has delivered all of the estate to the person whom the court shall appoint to receive it.

1137.6. Unless named as a successor trustee in the trust instrument, the person appointed under Section 1137.5 of this code shall give a bond as is required of a person appointed

administrator before acting as trustee. He shall be allowed the cost of the bond to the extent provided by Section 541.5 of this code. Upon the petition of a nonprofit corporation named or designated in the trust instrument or acting as a successor trustee thereunder within the scope of its own charitable purposes and trust, the court may name as substitute or successor trustee a charitable corporation of which the nonprofit corporation is the sole member, without requiring any bond not previously required of the nonprofit corporation.

1137.7. (a) When the court has jurisdiction over an inter vivos trust pursuant to Section 1137 of this code, the court may order further proceedings in reference to such trust transferred to the superior court of any other county of this state or to the appropriate court or of any other state upon the petition of the trustee or of any other interested party. To obtain such transfer, the person applying therefor shall file in the court in which the proceeding is pending a verified petition which shall set forth the following:

1. The name of the court to which it is sought to transfer proceedings.

2. The names, ages, and places of residence of all trustees and all persons who are interested as beneficiaries in the trust, as far as they are known to petitioner.

3. A brief description of the character, condition, value, and location of the property included in the trust estate.

4. A brief statement of the reasons for transfer.

(b) Any person interested in the trust as trustee or as beneficiary may appear and file written grounds in opposition thereto. If, after hearing, it appears to the court that the transfer of proceedings to the court designated in the petition or to the superior court of any other county in this state or to the appropriate court of another state will be for the best interests of the estate, or that economical and convenient administration of the trust will be facilitated thereby, it shall order the proceedings transferred to such court. Thereupon the clerk shall certify to the clerk of the court to which the proceeding is transferred a copy of the order of transfer, together with copies of the instrument creating the trust and such other documents or matters of record therein as the court may, by its order, determine to be necessary to define the powers and obligations of the trustee, or otherwise necessary in connection with the further administration of the trust. The superior court of this state to which the proceeding is transferred may from time to time require, by its order, the filing of certified copies of such additional papers or matters of record from the court of original jurisdiction as may be required.

(c) Upon the filing of a certified copy of the order of transfer, together with supporting documents, the superior court of this state to which the proceeding is transferred shall have, with respect to such trust, the same jurisdiction as the court of original jurisdiction would have retained under the provisions of Section 1137, but for the transfer.

(d) Except as otherwise provided for in this article, practice on the presentation and hearing of such petition and of all other matters in relation thereto shall be in accordance with the provisions of Division 3 (commencing with Section 300) of this code, as far as such provisions may be applicable.

1137.8. Any voucher which has been filed in support of the account of a trustee may be withdrawn if a certified copy is left on file, but shall be produced on demand unless permanently withdrawn with the permission of the court. Five years from the date of settlement of an account in support of which a voucher was filed, the clerk of the court may destroy the voucher or deliver it to the trustee or to his attorney.

1137.9. The provisions of Sections 1137 to 1137.8, inclusive, of this code shall not apply to pension or profit-sharing trusts or to deeds of trust given to secure an obligation or evidence of indebtedness.

1137.10. After the filing of the initial petition establishing the jurisdiction of the court pursuant to Section 1137 of this code, a beneficiary of the trust, as specified in Section 1137.11 of this code, or any other person interested in the trust may serve upon the trustee or his attorney and file with the court a request for special notice of the filing of all petitions, accounts, or reports provided for in this article, or designated petitions, accounts, and reports, giving his post office address or the post office address of his attorney. When a request for special notice is filed pursuant to this section, a copy of any petition and any account and report, notice of which has been requested generally or by designation, shall be attached to the notice of hearing.

1137.11. Upon the filing of any petition or account provided for in this article, the clerk shall set the petition or account for hearing by the court and shall give notice of the petition or account by causing a notice of the time and place for hearing thereof to be posted at the courthouse of the county where the proceedings are pending at least 30 days before the day of hearing, giving the name of the settlor of the trust, the name of the petitioner, and the nature of the account or petition, referring thereto for further particulars, and stating the time at which the account or petition will be heard.

At least 30 days before the time set for the hearing of the account or petition, the petitioner shall cause notice of the time and place of hearing thereof to be mailed to the trustee of the trust when he is not the petitioner, to any cotrustee not petitioning, and to all of the beneficiaries of the trust, including all persons in being who may participate in the corpus or income of the trust regardless of whether they have requested special notice or given notice of appearance, addressed to them at their last known address or, if such addresses are not known, at their respective places of residence or, if such places are not known, at the county seat of the

county where the proceedings are pending, or to be personally served upon them.

Proof of the giving of notice shall be made at the hearing. If it appears to the satisfaction of the court that the notice has been regularly given, the court shall so find in its order, and the order, when it becomes final, shall be conclusive upon all persons.

The court may, for good cause, prescribe a shorter period of notice.

1137.12. Appeals may be taken from decrees and orders in any case provided for in Section 1240 of this code.

1137.13. This article shall apply to trusts executed on or after November 1, 1970, whether revocable or irrevocable on that date, if, and to the extent that, the applicable instrument specifically so provides. The instrument may specify that this article or one or more sections or subdivisions of sections of this article shall apply to the trust. If a trust was executed before November 1, 1970, or if a trust executed on or after such date does not provide that this article or one or more sections or subdivisions of sections of this article shall apply to it but does not prohibit the application of this article or one or more sections or subdivisions of this article, the trustee shall have the power, but not the obligation, to petition the court having jurisdiction of the trust pursuant to Section 1137 of this code for an order that this article or one or more sections or subdivisions of sections of this article shall apply to the trust. In the absence of provisions in the trust instrument or an order of the court to the contrary, a reference to this article or to a section or subdivision of a section of this article shall be deemed to include any changes made in this article or in a section or subdivision of a section of this article subsequent to the effective date of this article.

1137.14. The remedies provided for in this article are not exclusive and shall be in addition to any other remedies provided for by any other law.

SEC. 3. This act shall become operative November 1, 1970.

CHAPTER 1173

An act to add Section 5605.1 to the Education Code, relating to junior high schools.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 5605.1 is added to the Education Code, to read:

5605.1. Notwithstanding Section 5605, the governing board of an elementary school district situated within a high school

district maintaining a junior high school is not required to permit its pupils who have completed the sixth year of the elementary school to attend the junior high school maintained by the high school district if the elementary school district has, pursuant to the provisions of this article, withdrawn from the junior high school system maintained by the high school district.

CHAPTER 1174

An act to amend Section 21751 of the Education Code, relating to school district bond elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 21751 of the Education Code is amended to read:

21751. The election shall be conducted as provided in Chapter 6 of Division 4, except:

(1) As otherwise provided in Sections 21701 to 21756, inclusive.

(2) That the formal notice of the election shall contain, in addition to the items specified in Section 1342:

(a) The purposes for which the bonds are to be issued.

(b) The amount of the bonds.

(c) The maximum rate of interest, not to exceed the maximum rate of interest allowed by Sections 21800 and 21807.

(d) The maximum number of years, not to exceed 25, not to exceed which the bonds or any series thereof are to run.

No election shall be held under the provisions of this section in any school district for a period of 90 days after such an election in the same school district.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to consolidate school district bond elections, in accordance with the procedure as revised by this act, with other elections to be held in November of 1969, it is essential that this act take immediate effect.